Nur al-Idah

THE LIGHT OF CLARIFICATION



Hasan Shurunbulali

A TRANSLATION OF NUR AL-IDAH
A CLASSIC MANUAL OF HANAFI LAW

Translated from the Arabic with Commentary and Notes by Wesam Charkawi

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Introduction

Nur al-Idah is a broadly taught Hanafi text which entails vast areas of jurisprudence, namely the rulings pertaining to worship. It leaves the student well prepared to deal the entirety of issues from purification to hajj. It reveals in a small way as to why the Hanafi Madhhab is held in such high esteem from scholars all over the world. It is practical, sensible and can be used as a reference. This book is based on the teachings of Abu Hanifa and his students, namely Imam Muhammad, Abu Yusuf and Zufar; and provides the reader with an insight into one of the most widely embraced Madhhabs by judicial systems in the world today.

Format Of The Text

This text of Nur al-Idah presents the Arabic followed by its English translation in bold text. Usually, explanation follows the bold text or is found within the bold text itself. This is because such explanation is from Maraky al-Falah, which is the explanation of Nur al-Idah. Both books are authored by the same person: Hasan Shurunbulali. It should be noted that such explanatory notes are not in bold text.

Moreover, it has been my attempt to translate the text of Nur al-Idah in a manner that can be read independently without reading the commentary or explanatory notes, although at times – interpretation is essential in understanding the meaning of the actual text. As previously stated, interpretation and comments are by and large from Maraky al-Falah and at times from other Hanafi sources, such as Hashia ibn Abidin, al-Ikhtiyar and al-Hidaya. Indeed, a translation may simplify many things, though this will still require the complete and concentrated attention of the reader. Furthermore, the position of other schools, such as the Shafi'i Madhhab has been added in various places with the intent to give the reader a broader perspective on matters and demonstrate the similarity between the various schools of thought.

As any endeavour is undertaken in translating an Islamic law book, it is possible as with all things to overlook fine points. However, in stating this, the reader should keep in mind that every effort was exhausted in ensuring the translation is an accurate one. Any scenario which posed any shade of grey was immediately referred to numerous scholars and thoroughly investigated from the main Hanafi sources, such as Hashia Ibn Abidin, Bahr ar-Ra'iq, Badai' as-Sanai', and al-Hidaya. At times, such sources are referenced even when the matter is clear on the basis of providing greater clarity and aiding the student to view the laws in a different light enabling him to deal with legal rules in a practical way. Lastly, the rule that is displayed in bold is the law. The other opinions mentioned in the annotations and notes are not to be followed. They have been provided to teach the reader fiqh (i.e. legal reasoning). Therefore, the text in bold is the governing and primary text.

The Rulings Pertaining To Jurisprudence [Fiqh]

Persons who are morally responsible (mukallif) take one of the following rulings in the Hanafi Madhhab.

1- **The Obligatory** [*fard*]. For the majority of scholars, *fard* and *wajib* are synonymous, and both convey an imperative and binding demand regarding the performance of an action. The obligatory is an act that is established by a decisive text *(dalil qati')* whose meaning is decisive and not open to the possibility of interpretation, such as the five pillars of prayer, and that which has been established by way of Sunna Muttawatir, such as the recitation of Quran in prayer.

The Hanafis however, have drawn a distinction between *fard* and *wajib*. An act is deemed obligatory *(fard)* according to the Hanafis if it is conveyed in a clear and definitive text of the Quran or sunna *(known as dalil qati')*. Though if the command to perform something is conveyed in a speculative text *(dalil dhanni)*, then the act is deemed necessary [*wajib*].

It is compulsory to perform that which is deemed obligatory. One who performs an obligatory act out of obedience to God is rewarded, while a person who abstains from an obligatory act without a valid excuse makes himself liable and deserving of punishment. The one who denies the binding nature of an obligatory act becomes an unbeliever if it is established through a clear and definitive text *(dalil qati')*, but not if he disputes the authority of a command that is deemed wajib, although he becomes a transgressor.

A consequence of the distinction between *fard* and *wajib* is that when the *fard* is neglected in an act required by the Sacred law, the whole act is null and void. For example; if one leaves out the bowing or prostration of the obligatory prayers, the whole prayer is nullified, though if he leaves out the recitation of the Fatiha (which is wajib), the prayer is valid, but deficient.

2- **The Necessary** [*wajib*] according to the Hanafi school is that which is established by a firm command, but which has been established through a text that allows for the possibility of interpretation. This textual proof is called *dalil dhanni*. This type relates to acts such as sadaqah al-Fitr and the witr prayer. Verily, these have been established by a speculative text [*dhanni text*] that is open to interpretation. If however, the subject thing is established with a definitive and clear proof [*dalil qat'i*], such as with a Quranic verse or hadith Muttawatir, then it is deemed obligatory *(fard)* as previously mentioned. Denying that which is necessary is deemed as corruption (fisq), though not disbelief. To leave a wajib act is sinful.

The omission of wajib components of prayer does not nullify prayer provided it is omitted absentmindedly and provided two forgetful prostrations are performed at the end of prayer. If a wajib component of prayer is intentionally omitted, then one is required to repeat his prayer in order to mend the defect.

The Mandub (Recommended Act) or Sunna

The *mandub (recommended act)* is divided into three parts; a) *sunna mu'akkada,* namely, the emphasised sunan, b) the sunna whose acts have been sanctioned by the Sacred law *(nafila)*, though they are not emphasised, and c) *sunna zawa'id* which refers to the acts and conduct performed by the Prophet as a human being such as his style of dress and choice of food.

3- **The Emphasized Sunna** [*sunna mu-akkada*] is that which our blessed Prophet *((God bless him and grant him peace))* or the Companions did most of the time with respect to worship and did not leave it except on a rare occasion. Examples include the congregational prayer, the adhan and iqama as well as all matters of worship which the Prophet was diligent upon. This sunna is also termed Sunna al-Huda.

The one who performs an emphasized sunna is rewarded while leaving it is not punishable, though is worthy of blame and reprimand. Customarily leaving a sunna is sinful, because it entail 'turning away' from the Messenger of Allah whom we have been commanded to follow. If a person gives up such acts totally, he is liable to lose his moral probity *('adalah)* which may result in the rejection of his testimony. If a town collectively decides to give up these recommended acts, then they expose themselves to legal and military action. *Note; the congregational prayer according to the Hanafi Madhhab is an emphasized sunna, whereas the majority maintain that it is a communal obligation. Ahmad ibn Hanbal maintained that it is obligatory on each person to attend the congregational prayer.*

4- **The Recommended Sunan** ***(nafila),*** **which is not emphasised** *(and which is also termed mustahab (desirable), meritorious and voluntary)* is that which the Prophet did one or more times and then discontinued, and did not diligently perform, such as the four rak'ahs prior to the 'isha prayer, and all other voluntary acts, such as donating charity to the poor, fasting on the Monday and Thursday of each week.[1] The ruling for one who performs acts of this kind is that he is deserving of reward, while leaving it is not sinful or blameworthy because it is not part of his lawgiving.

Sunna Zawa'id are the acts of the Prophet pertaining to his ordinary daily tasks as a human being, such as his dress, choice of food and drink as well as his dealings and conduct with his family members. These are acts considered as part of an individual's perfection by following the Prophet in such things. The rule for such acts is that one who adopts them with the intention of following the Prophet, is an excellence and is to be rewarded. This indicates one's love for the Prophet. But someone who does not follow the Prophet in such matters is not considered a wrongdoer and is not blameworthy in any way because they are not in the degree of the sunan al-Huda (emphasised) as mentioned previously.

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[1] Usul al-Fiqh al-Islam, Wahbi az-Zuhayli 84.

A question from these categories is the following; Is it necessary to fulfil a nafl act that was commenced but was not completed or is it not necessary? The jurists differed on this point. Imam Shafi'i said; one is not required to perform the nafl he commenced and neither is he blamed for its discontinuation, because the nafl was legally introduced with that quality, and this does not impose the act upon a person. Therefore, one is rewarded for its fulfilment and is not blamed for its omission. And as long as it was introduced into the law with that quality, then it is necessary that it remains as such even after it is commenced. He added that; it cannot become a requirement because the reality of something does not change by being commenced; and that it is preserved in its quality, which is nafl, whether he completes it or nullifies it.[1]

Abu Hanifa maintained that; nafl that is commenced becomes a requirement to fulfil. For example; if a person begins a voluntary fast, but then ruins the fast, he is required to make up that day even though it was voluntary. He held that if one commenced a voluntary prayer or fast, he is required to accomplish it; and if he does not, then he will become liable to fulfil it as *qada (makeup)*. Abu Hanifa used the following proof; Allah said [..and make not vain your deeds].[2] Abu Hanifa also maintained that a nafl can change into wajib when one promises such an act. For example, if one says, "I vow by God, that I will perform two rak'ahs of prayer," then he is required to perform them. Hence, the rak'ahs were voluntary, but became wajib with the vow.

5- **The Permissible** [*mubah*] is what the Law-giver has neither requested nor prohibited, so the person who does it, is not rewarded or punished. Though such acts are rewarded if the person intended good. It is also called halal. The ***mubah*** mentioned in the text is usually expressed in words like, "It is of no harm to perform ..." or "It is no sin for you," and so on.

6- **The Somewhat Disliked** [*makruh tanzih*] is that which we have been commanded to leave, even though it is not sinful; meaning the law giver has interdicted but not strictly forbidden. One who leaves it is rewarded, while one who does it has acted sub optimally and is not deserving of punishment. Examples of such things that apply to this category is the wudu from the leftover water of a cat or predatory animal. Ibrahim as-Salkini says, "To leave that which is in indicative of the sunna or that which is recommended – is somewhat disliked [*makruh tanzih*].

7- **The Prohibitively Disliked (reprehensible) or unlawfully disliked** [*makruh tahrim*] is the opposite of *wajib* according to the Hanafis. It is an act that we have been firmly commanded to leave through a text which is open to the possibility of interpretation. Denying such a command is misguidance and worthy of punishment, but not disbelief. Performing such an act is sinful. The above division of ***makruh*** is based on the Hanafi opinion, while the majority of jurists place ***makruh tahriman*** into the category of forbidden insofar as it is a demand for omission expressed in binding terms.

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[1] Usul al-Fiqh al-Islam, Wahbi az-Zuhayli 85-86.

[2] Quran 48:33.

8- The Forbidden [*haram*] is that which the Law-giver strictly forbids through a decisively established text. Someone who commits an unlawful act is deserving of punishment, while one who refrains from it out of obedience to Allah is rewarded.

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The Validity of Following Qualified Scholarship (In the Subsidiary Issues)

[*Abdul Qahir al-Baghdadi states*:] Any scholar of sound mind from Ahl as-Sunna knows that when the Prophet ((God bless him and grant him peace)) spoke of the disapproved groups that will dwell in the fire,[1] he did not mean the groups of jurists who disagreed in the secondary matters [i.e. jurisprudence [*fiqh*]] who in fact all agreed on the principle foundations and doctrine of belief. Indeed, the Prophet separated the disapproved groups as being the people of misguided desire who opposed the rightly guided group in the areas of justice, creedal issues, divine oneness [*tawhid*], the issue of God's promise and threat, about pre-determination and ability and so forth upon which all of Ahl as-Sunna agreed upon. Such issues were opposed by misguided groups like the Khawarij, Jahmiyya and Karramiyya. Hence, the secondary matters in which the scholars of *fiqh* disagreed upon (in relation to halal, haram and general rulings) is not subject to this hadith.[2]

The history of taqlid [3] — Imam Zufar, al-Hasan ibn Zayd al-Lu'lu'i, Abu Yusuf, Muhammad ibn al-Hasan, Fudayl ibn 'Iyad, Ali ibn Mahr, Ali ibn Ja'd, Ibrahim ibn Tahman al-Imam al-Hafiz, Yahya ibn Zakariyya ibn Abi Za'idah, Hafs ibn Ghiyath, al-Qasim ibn Ma'n al-Mas'udi, Imam Layth ibn Sa'd and others were all Hanafis. Before the year 200 AH they were all ascribed to Abu Hanifah and would give legal rulings [*fatawa*] according to his verdict. From this it is evident that the foundation of following the judgment of a scholar [i.e. *taqlid*] was laid down before 200 AH, though at that time it was recommended rather than determined to do so. This became an obligation because of the shortcomings of intellects and understanding and the scarcity of knowledge in the great majority of people.

Accepting and following qualified scholarship and learning is deemed necessary to understand the complex interpretations of the Sacred Law. Century after century, four schools have been relied upon by the People of the Sunna and

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[1] The Prophet said, "Those who came before you of the people of the Book split into seventy two sects, and this nation [*ummah*] will split into seventy three sects of which will be in the fire and one in paradise." [Abu Dawud 4597, Ahmad 2/332].

[2] See al-Farq baynal Furaq 6-7. [Kitab Sharh as-Sawi, ft-2, p-85].

[3] The definition of *taqlid* according to the legal scholars: is to accept another's statement without demanding proof or evidence, on belief that the statement is being made in accordance with fact and proof.

Community [*Ahl-as-Sunna wal-Jama'a*] to provide such interpretation. Following qualified scholars hip facilitates the following of the Quran and sunna since the layperson is not capable of issuing a legal opinion. In addition, the derivation of rules from the Quran and sunna requires a careful and meticulous study which cannot be under-taken by an unqualified person, and for this reason we are required to follow those who are fit to do so.

The permissibility of following the legal ruling of a qualified person is found in the Quran as well as hadith; God says [**O you who believe! Obey Allah; Obey the Messenger and those of authority amongst you**].[1] The authority in question has been explained b y some, as Muslim rulers while others have viewed them as the jurists. The latter view was the opinion of Abdullah ibn Abbas,[2] Mujahid, 'Ata ibn Abi Rabah, Hasan al-Basri and many others. Imam Ibn Qayyim says that following the rulers is in effect following the scholars since rulers are also required to follow scholars in legal issues. Hence, following rulers is subject to following scholars.[3]

God then says in the same verse [**And if you dispute, then refer it to Allah and the Messenger if you really do believe in Allah and in the Last Day**].[4] Scholars maintain that Allah's subsequent statement, "If you dispute" proves that those in authority are indeed jurists because He first ordered everyone to follow those of authority and then proceeded to say that "If you dispute," then those of authority are to refer the disputed issue to the Book of God and the traditions of the Prophet. The un-educated person is not an individual of knowledge; he is not of this calibre, and would therefore be unaware of how to refer the disputed issue to the Book of God and to the sunna of the Prophet and how their proofs would apply to situations and events. It is therefore established that the command is for the scholars.

The Exalted states [**Of every troop of them, a party should go forth, that they (who are left behind) may get instructions in religion, and that they may warn their people when they return to them, so that they may be aware (of evil)**].[5] This verse indicates in clear terms that a group of Muslims should devote themselves to acquiring the knowledge of the Sacred Law and all others to act upon their instruction to avoid disobedience to God. Imam Abu Bakr Jassas comments on this verse, "So Allah commanded people (who do not learn or not capable to

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[1] Quran 4:59.

[2] The opinion of Abdullah ibn Abbas has been narrated from Mu'awiyah ibn Salah from Ali ibn Talha which is regarded as a very sound chain. Ibn Jarir Vol, 5 page 88. [The legal Status of Following a Madhhab].

[3] The Legal Status of Following a Madhhab 15.

[4] Quran 4:59.

[5] Quran 9:122.

dedicate themselves to learning) to adhere to the instructions of a scholar and enact upon their (expert) advice."

Moreover, being able to perform legal reasoning [*ijtihad*] requires knowledge of the rules and principles of the Quran, the sunna [i.e. hadith], the knowledge of scholarly consensus [*ijma'*], and analogical reasoning [*qiyas*], together with knowing the types of each of these. Once a Muslim jurist has all the necessary qualifications for ijtihad, he attempts his utmost to extract the actual meaning of the Quran and sunna. If he does this to the best of his ability and with sincerity, he is rewarded for fulfilling his duty, and no one can accuse him of disregarding the Sacred Law.

Occasionally man learns the damaging effect of poison as well as the remedial effect of medicines by virtue of adhering to professional advice without proof or question. In warfare, if an army does not accept unquestioningly every order of its commander, victory may not be attained. If various agencies of government do not obey the laws promulgated by the law makers, then law and order cannot be maintained in the land. In short, the development and perfection of our physical, spiritual, intellectual, academic, moral and social life is firmly rooted in accepting and following professional authority without demanding proof.[1]

Some maintain that following the school of an imam is unlawful and that a true Muslim should only follow the Quran and sunna. They claim that one should seek guidance directly from the Quran and sunna and no involvement of an imam is required.

The reality of the issue is that by following a mujtahid, one is following the Quran and sunna. The mujtahid facilitates the correct understanding of the Quran and sunna illuminating the path for others. Moreover, the heart of the matter is that the interpretation and derivation of rules from the Quran and sunna is one which requires a concentrated and extensive study of all the Sacred sources of the law which cannot be undertaken by an individual ill equipped to do so. If every Muslim was compelled to consult the Quran and sunna on each problem arising before him, it would burden him with a responsibility that would be almost impossible to fulfil. This is owing to the fact that the derivation of the rules from the Sacred Law requires a thorough knowledge of the Arabic language and all the relevant sciences, a combination which every person is not able to have. It is therefore necessary upon a person who cannot perform legal reasoning (ijtihad) to follow the rulings that have been derived from the Sacred Law by a *mujtahid*. The follower, in this case being a layperson cannot get caught up in the discussion of proof. His duty is to adopt one of the jurists and follow his view in all matters. This is because he is unable to perform rulings of that kind.

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[1] Fiqh al-Imam.

To highlight some of the aforementioned points is the following. There are certain commandments in the Quran and sunna which are neither ambiguous or complicated and can therefore be understood by any person. For example, God says [**Do not backbite**].[1] Anyone familiar with the Arabic language will immediately understand this verse, since there is no ambiguity in the statement. There are also verses of Quran as well as hadith where there is vagueness and complication. For example, the Prophet said [**Whoever has an imam, then the imam's recitation is his recitation**].[2] This indicates that while the imam is reciting Quran in prayer, the follower is to remain silent. Though another hadith mentions [**There is no prayer for one who does not recite the Fatiha**].[3] This indicates that everyone is required to recite the Fatiha. The question arises as to which hadith should be taken as the primary source. Freedom to practice upon any hadith one sees, completely regardless of the fact that hadith literature is spread over several hundred thousand, and contained in more than three hundred compilations, would lead to distortion of the Sacred Law and result in chaos and confusion. The reason this would be an inevitable result is because understanding how to extract rules from the Quran and sunna is so vast an enterprise that even if one spent a lifetime endeavouring to achieve this, it would not be possible to expertise.[4]

Al-Baghdadi writes [As far as the Islamic rules are concerned, there are two types. The first are those which are known by necessity to be part of the religion of the Prophet, such as the five prayers, zakat, fasting of Ramadan, Hajj, the prohibition of adultery, wine and so on. Taqlid is not allowed in these issues since they are such that everyone should know and understand. The second type are those rules which need to be understood and extrapolated, such as the details of the rituals of worship, transactions and marriage. Taqlid is permissible in these issues since God says [**So ask the people of remembrance if you know not**].[5]

A medical doctor studies for years, after which he must acquire training under the watchful eye of his piers before he is permitted to open his own practice. If he endeavours to practice medicine without qualification, he will be incarcerated. Therefore, since the fundamental principle is the derivation of rules from the Sacred Law, it requires one who is capable of performing legal reasoning [*ijtihad*]. The task is in itself an exhausting and delicate procedure where qualified scholarship is an absolute requirement.

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1 Quran 49:12.

2 Muwattah of Imam Malik.

3 Bukhari

4 The Legal status of Following a Madhhab.

5 Quran 16:43

A person commits disbelief if he makes lawful that which God has made unlawful. The matter is a serious one and cannot be meddled with. The Prophet ((God bless him and grant him peace)) said [**If a person does not know what is right judges others with ignorance, then he will go to hell**]. Therefore, the process of deriving rules from the Quran and sunna of the Prophet requires a methodical, in depth, and surgical analysis of all Sacred text; and not vague and formless study.

Furthermore, to give judgment from the verbatim reading of the sunna would be equivalent to an untrained person performing surgery from an instruction manual. Whilst a person may read something believing he comprehends it, the context, understanding and knowledge concerning the hadith of the Prophet is another matter. Indeed, this is the fundamental point — the clarity of the law, and the derivation of rules. Ali ((God be pleased with him)) said "**If the imam seeks to eat, then feed him.**" Any person who reads this hadith will immediately assume its literal sense; namely, the imam is hungry and seeks food. Though the correct meaning is that if the imam becomes confused or forgetful when reciting Quran in prayer, then prompt him. This example shows that the Sacred Law does not only possess an outward meaning; rather, it possesses an outward and inward meaning that requires clarification.

Abdullah ibn Amr narrated that the Prophet said [**God will not snatch away knowledge abruptly from people, but rather He will snatch knowledge by removing scholars. This will happen to the extent that when no scholar remains, people will take ignorant leaders as their guides. These leaders will be asked and they will give legal rulings without knowledge. So they will be misguided and they will misguide**].[1] This clearly proves that giving a legal view is the job of a scholar. People inquire concerning legal issues and they act according to the answers given. This is the essence of taqlid.

Additionally, the school of an imam is not something parallel to the Sacred Law or alien to it. In fact, it is a particular interpretation of the Sacred Law and a collection of legal rules derived from the Quran and sunna by a reliable jurist, and arranged subject-wise for the convenience of others. So, the one who follows a particular school actually follows the Quran and sunna according to the interpretation of a reliable jurist. Scholars have agreed that the teachings or set of guidelines to be adhered to, is to be limited to four jurists, they are: Imam Abu Hanifa, Imam Malik, Imam Shafi'i and Imam Ahmad.

The Prophet ((God bless him and grant him peace)) said [Were religion to be hung on the Pleiades, men from Persia would reach up and lay hold of it] indicating that matchless scholars like Abu Hanifa would emerge from Iran. In

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[1] Bukhari

addition, he foretold Imam Shafi'i saying [A scholar from Quraysh who will fill all regions of the earth with learning].

The Exalted states [**Ask those who recall if you know not**].[1] By consensus of the scholars [*ijma'*] this verse is imperative for someone who does not know a ruling of Sacred Law or the evidence for it to follow someone who does. Virtually all scholars have made this verse their principle evidence that it is obligatory to follow the scholar who is a *mujtahid*.

Imam Suyuti in *Tadrib Ar-Rawi* quotes Ibn Hazm's report that most of the Companions' legal views came from only seven of them: Umar, Ali, Ibn Mas'ud, Ibn Umar, Ibn Abbas, Zayd Ibn Thabit and A'ishah, and this was from thousands of Companions.[2]

Furthermore, no age of history is totally lacking people who are competent in ijtihad on particular questions which are new, and this is an important aspect of Sacred Law to provide solutions to new ethical problems by means of sound Islamic legal methodology in applying Quranic and hadith primary text. But while in this specific sense the door of ijtihad is not and cannot be closed, Islamic scholarship has not accepted anyone's claim to absolute ijtihad since Abu Hanifa, Malik, Shafi'i and Ahmad. If one studies the intellectual legacy of these men under scholars who have a working familiarity with it, it is not difficult to see why.[3]

There are those who deprecate these jurists and claim ijtihad for themselves while lacking the necessary qualifications. To claim that the mujtahid is not divinely protected is a baseless argument due to the Prophet's saying [**When a judge gives a ruling having tried his best to decide correctly and is right, then he shall receive two rewards, and when he gives a ruling having tried to decide correctly and is wrong, he will have a single reward**]. This clearly indicates that even if an error is made it is still rewarded on the basis that the issuing of that ruling was made by one capable of performing ijtihad. It also indicates the validity and permissibility of following qualified scholarship. In contrast, a person who is not capable of issuing a legal opinion and bases his ruling on ignorance is culpable. The Prophet said in another hadith which is agreed upon [**One who does not know what is right and judges others with ignorance will go to hell**].[4] To urge that a mujtahid is not divinely protected is of little relevance to his work as the fact that a major

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[1] Quran 16:43.

[2] Tadrib al-Rawi fi Sharh an-Nawawi (y109), 2.219.

[3] Reliance of the Traveller 18, 19.

[4] Reported by the four, and al-Hakim graded is as sound. Bulugh al-Maram, 1188, p 491.

physicist is not divinely protected from simple errors in calculus; the probability of finding them in his published works is virtually negligible.[1]

Ibn Salah reports that there is scholarly consensus on its being unlawful to follow rulings from schools of thoughts other than those of the four imams because of the untrustworthiness of the ascription of such rulings who reportedly gave them, there being no channels of transmission which obviate the possibility of textual corruption and spurious substitutions. Additionally, God says [O you who **believe, obey Allah and obey the Prophet and those among you in authority**].[2] As previously mentioned, God has ordered that we obey Him and His Messenger. He has also ordered that we obey those in authority. Meaning that when those in authority agree upon a matter, it is compulsory to follow them and adhere to their ruling. And in the same surah God Almighty threatens those who oppose the Messenger and follow other than the believer's way. He states [**Whoever contraverts the Messenger after guidance has become clear to him and follows other than the believer's way, We shall give him over to what he has turned to and roast him in hell, and how evil an outcome**].[3]

Another evidentiary aspect is that a ruling agreed upon by all the *mujtahids* in the Islamic Community is in fact the ruling of the Community, represented by its *mujtahids*, and there are numerous hadiths that have come from the Prophet, as well as quotes from the Companions, which indicate that the Community is divinely protected from error, including his saying ((Peace and blessings of God be upon him)) [**My community shall not agree on error**]. Al-Hakim also mentions in a sound narration that the Prophet ((God bless him and grant him peace)) said [**God does not make my community agree on misguidance**].[4]

One of the destructive evils which will raise its dreadful head by not following one of the jurists is the appearance of self appointed *mujtahids*. Some will consider themselves to be capable of inferring religious rulings, and embark upon the process of analogical reasoning. They will consider themselves to be of equal rank with that of the four main jurists. These people will in fact bring destruction to others for the reason that they have acquired no qualifications, discipline and correct understanding. This inevitably leads to the subjection of religion to human desires. For this reason, one who does not know is required to seek from those who do. Indeed, the Prophet said [The Scholars are the inheritors of the Prophets].

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[1] Reliance of The Traveller.

[2] Quran 4:59.

[3] Quran 4:115.

[4] Al-Hakim 1/116.

Adhering To More Than One Madhhab On Different Matters

Whilst all four schools of interpretation are correct and none can be held in contradiction with the Sacred law, a question which arises is the following: Is it permissible for a person to follow one school on a particular issue and then follow another school on a different issue? It is only logical that a person who lacks the ability to compare between the arguments of each school cannot pick and mix between the different views to satisfy his personal desires for the reason that Allah has categorically ordered in a number of verses in the Quran to follow the guidance of the Sacred law and has strictly prohibited the following of one's desires.

Take for example the bleeding from an injury: Abu Hanifa holds that ablution is void while Imam Shafi'i does not. One should bear in mind that both imams did not choose an interpretation on the basis of its suitability to suit their desires, rather it was based on the strength of the evidence before them. In turn, if an individual is allowed to choose any juristic view without conferring the argument relating to those views, he will be at liberty to select only that which pertains to his desires, something which is condemned in the Holy Quran.

Ibn Taymiyya stated in his fatawa that, "Some people follow at one time an imam who holds marriage invalid, and at another time they follow an imam who holds it valid. They do so only to serve their individual purpose and satisfy their desires. Such a practice is not permissible according to the consensus of the imams."[1] Hence, one should not pick and choose for one's own benefit. Once a person has adopted to follow a Madhhab, then he should not follow any other Madhhab in any matter, whether it is to seek convenience or to satisfy one's personal choice, both of which are based on desire and not on the strength of argument.

Some people who have no systematic knowledge of Islamic disciplines are deceived by their shallow knowledge based on self study. Following this kind of exterior study, they assume themselves to be masters of Islamic learning and begin criticizing the former Muslim Jurists. This attitude is not justified. The extraction of judicial rules from the Holy Quran is a very rigorous process that cannot be carried out on the basis of vague study. While studying a particular juristic issue, one has to collect all the relevant material from the Quran and hadith found in the diverse chapters and books and undertake a combined study of the scattered material. One must examine the reliability of the relevant hadiths in light of the well established principles of the science of hadith. One must study the historical background of the relevant verses and tradition. In short, one must first resolve a number of complex issues involved. This whole exercise requires very intensive and extensive knowledge which is rarely found in the contemporary scholars who have specialised themselves in the subject, let alone the common people who have no direct access to the original sources of Sacred law.

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[1] Fatawa Ibn Taymiya 2: 285-286.

Abu Hanifa

Imam Abu Hanifa is an-Nu'man Ibn Thabit, the great imam, born in 80 Ah. in Kufa during the Khilafa of Abdul Malik Ibn Marwan. Abu Hanifa assumed the role of a merchant. During this time, he was not linked to the field of knowledge and did not know the men acquainted with it. One day a religious scholar [ash-Sha'bi] noticed Abu Hanifa's intelligence and cleverness and advised him to pursue the field of knowledge and attend his gatherings where he could derive benefit from the opinions of the scholars. Ash-Sha'bi said to him, "I discern alertness and energy in you." This affected Abu Hanifa and caused him to adopt the advice and commence the pursuit of knowledge. He experienced the full Islamic culture of his age. He memorised the Quran, knew an extensive amount of hadith, grammar, literature and poetry. He then immersed himself to fiqh becoming one of the greatest scholars in Kufa.

He quickly became known for his legal brilliance and problem solving and the strength of his arguments in directing those to the reality. Imam Malik was asked about Abu Hanifa in which he said « I have not seen anyone like him, by Allah if he said that this pillar was made of gold, he would have brought an analogical proof proving the validity of his case ». Imam Shafi'i said, "Whoever seeks to become an ocean in the jurisprudence, then he should venture to Abu Hanifa. I have not known a faqih like him." Equally, Imam Ahmad Ibn Hanbal would cry when remembering Abu Hanifa and would supplicate Allah's mercy upon him. An-Nadhr said, "The people were sleeping with regards to jurisprudence until they were awoken by Abu Hanifa."

Abu Hanifa eschewed sleep at night and was called *the peg* as a consequence of his perpetual standing for the prayer. He performed the dawn prayer for forty years with the ablution of the nightfall prayer. His neighbours reported that they could hear his prayers and recitation of Quran at night as he cried from the fear of God.

Abu Hanifa became famous for his genius, piety and minimal speech. He would forgive those who harmed him and it was never known of him to speak ill of others. He was generous with his wealth devoting his fortune to helping students and researchers of Sacred law. He would never sit in the shade of a wall belonging to someone he had loaned money, saying, "every benefit derived from loan is usury."

Abu Hanifa said of himself [I take from the Book of Allah if I find the evidence therein. If I do not locate it, I take from the sunna of the Prophet ((God bless him and grant him peace)) and his Companions. I use this information provided it is transmitted through trustworthy individuals. If I do not locate it in the Book of Allah or in the Sunna of the Prophet ((God bless him and grant him peace)), then I take that which I choose from the companions or I leave it and I do not venture into others people's sayings after that of the Companions. And just as the final matter is dealt with by others such as Ibrahim, ash-Sha'bi and Ibn Sirin, then I too give a legal view as they do]. He was the scholar of Iraq and the primary and paradigm of the school of juridical opinion [*ra'i*].

During the reign of Marwan, an occurrence of discord occurred due to which a man named Yazid Ibn Habira called for Abu Hanifa to assist. Abu Hanifa strongly rejected the request and was consequently imprisoned and assaulted for two weeks. Abu Hanifa was later asked to assume a leadership role for the Muslims upon which he declined and was again imprisoned and severely punished. His persecution was unending forcing Abu Hanifa to extreme cries of pain and anguish. His life ended five days later. He died in Baghdad in 150*h* at seventy years of age.

His Musnad [Ascribed Traditions] is comparable in size to the Muwattah' of Imam Malik and the Musnad of Imam Shafi'i which the latter based their respective schools upon. When one reads the Muwattah' of Imam Muhammad Ibn Hasan ash-Shaybani the student of Abu Hanifa, one gains complete certainty from the notes indicated to by Imam Muhammad that virtually every hadith therein was familiar to Abu Hanifa before he arrived at the positions of his school. This is a clear proof against those who would claim that Abu Hanifa did not know hadith.

Abu Hanifa appeared in an age overwhelmed by hadith forgers and as a result was moved by his extreme piety to reject any hadith that was not authentic, for which reason he applied a selective range of hadith evidence in Sacred law. The Hanafi school of thought does not accept qualifications of any ruling established by a Quranic verse when such qualification comes through a singular channel of transmission, even if it is meticulously authenticated. It is only accepted if it comes through a hadith with three separate channels of transmission.

Hence, not only was Abu Hanifa a hadith specialist, the school reflects a legacy of extensive use of analogy and deduction from specific ruling and general principles established by primary texts acceptable to the imam's rigorous standards, as well as the use of inference and juridical opinion.

The Two Companions

With respect to **Imam Muhammad**, he is Abu Abdullah Muhammad Ibn al-Hasan Ibn Farqâd ash-Shaybani. He was born in Wasit, Iraq in 131AH / 748CE and a companion and student of Abu Hanifa. He was a mujtahid of powerful intellect who had a phenomenal mastery of Quranic and hadith primary texts, and the matchless legal training of being educated by Abu Hanifa, Abu Yusuf, and Malik. He was raised in Kufa where he first met Abu Hanifa, joined his school of thought and became renowned before moving to Baghdad where he was appointed by Harun ar-Rashid to the judiciary.

Imam Shafi'i said of him [I have not known a plump person of lighter spirit than Muhammad Ibn al-Hasan. I have not seen anyone more eloquent than him. I used to think when I saw him reciting the Quran that it was revealed in his language. He further added, I have not seen anyone more intelligent than Muhammad Ibn al-Hasan].

Ahmad Ibn Hanbal said « If there is agreement in any matter between three people, then no one will pay attention to one who disagrees with them. Someone inquired who are they? He answered Abu Hanifa, Abu Yusuf and Muhammad Ibn al-Hasan».

As for Abu Yusuf, he is Qadi Yaqub Ibn Ibrahim Ibn Habib, the Kufan. Abu Yusuf was the student and companion of Abu Hanifa and the first to proliferate his school. He was a hadith master and one of the most brilliant judicial minds in Islamic history. He was the first to write works on the fundamentals of Hanafi jurisprudence. Al-Dhahbi mentioned Abu Yusuf in his book Tadhkirat al-Huffadh among those who are regarded as memorisers.

Al-Mazani said (Abu Yusuf of all people is the one who most follows hadith). Ibrahim Ibn Abi Dawud narrated from Yahya that he said « There is not among the people of theory anyone who knows more hadith nor is more authoritive than him ». Ibn Salah Samáh said « Abu Yusuf would pray two hundred rak'ahs every day after he was appointed Qadi ». Ahmad said (He was precise and just in hadith).

The Author Of The Text Nur Al-Idah

Hasan Al-Shurunbulali

He was one of the greatest scholars of his time. He is Hasan Ibn Ammar Abu al-Ikhlás al-Misry Shurunbulali born in 994 A.H / [1580 CE]. He was one of the most distinguished scholars in jurisprudence and the greatest of his time and regarded as the most brilliant and knowing in jurisprudence, primary text, and base.

He became a master of jurisprudence at the hands of Abdullah al-Nahriri and Muhammad al-Mahby. Imam Shurunbulali studied in the Azhar in Cairo and was a source of great benefit for others. Other scholars, such as al-Mahby said of him « He was the lamp and luminous shine of al-Azhar ». The Imam *((God be pleased with him))* was a possessor of high moral qualities and an eloquence in the Arabic language. He was an individual who abstained from anything which resembled foulness and grasped to the religion of Allah. He authored a number of books for the benefit of the people such as:

- Sharh al-Mandhuma Ibn Wahban consisting of two volumes.
- Nur al-Idah and Najatul Arwah, that is, this book.
- Tufatul Akmal.
- Hashia ála Kitab ad-Durar wal-Ghurar.

The Chapter of Purification

Weights & Measurements

The following weights and measurements have been used in this text. They have been derived from various Hanafi sources: namely, Radd al-Muhtar (i.e. the Hashia of Ibn Abidin) and Maraky al-Falah by Shurunbulali.

1 **mudd** = 1⅓ ratl = 512 grams = 0.51 litres
A mudd is a volume measure estimated in terms of weight.

1 **Sa'** [al-Hijazi] = 5⅓ ratl or 4 mudd = 2.05 litres or approx 3.17 or 3.2 kg. A Sa' is a unit of volumetric measurement.

1 **Ratl** = 128 dirhams = 384.240 grams.

1 **Dinar** = 1 Mithqol = approx 4.35 grams

1 **Mithqol** = approx 4.35 grams

Qullatayn = 500 ratl

1 **Dhira'** = 48 cm

5 **Awsuq** = approx 960 kg [1 Wasaq = 60 Sa']

The distant permitting one to be deemed a traveller = 81 km.

1 **Farsakh** = 3 miles [or 5598 km]

1 **Mile** = 4000 dhira' = 1866 metres

1 **Qirat** = 4 wheat grains

1 **Dirham** = 20 qirat = approx 3.5 grams

Book I: Purification

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كِتابُ الطَهَارَة

The Chapter Of Purification[1]

مَا يجوز التطهير به من المِيَاهِ

That Which Is Permissible For Purification

المياه التي يجوز التطهير بها سبعة مياه

The types of water permissible for purification are seven:

ماء السماء وماء البحر وماء النهر وماء البئر وماء الثلج وماء البرد وماء العين

Rain water, ocean water, river water. Water from wells. Water from melted snow. Hail water upon melting, and spring water. This is due to the saying of Allah [He (Allah) caused rain to descend from the heaven, to clean you therewith];[2] and also due to the words of the Prophet ((Peace and blessings of Allah be upon him)) [Water is pure and is not rendered impure by anything, except a thing that alters its colour, taste or smell]. In addition there are the words of the Prophet ((God bless him and give him peace)) regarding rivers [Its water is pure and the dead things in it are permissible].

أقسام المياه

The Types Of Water

ثم المياه على خمسة أقسام

Water is divided into five types

الأول طاهر مطهر غير مكروه وهو الماء المطلق

1/ The first type is water that is pure in itself, and is purifying for other things. There is no dislike in using this type of water, which is plain water commonly termed mutlaq water. This means that the essence of the water is pure and that it can cleanse other things.

والثاني طاهر مطهر مكروه وهو ما شربت منه الهرة ونحوها وكان قليلا

2/ The second type is water that is pure in itself and is purifying for other things, although it is disliked to use because it is a small quantity of water that a cat or a similar animal has drunk from.

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[1] The term **tahara** (purification) is used in the Arabic language as cleanliness, regardless whether it be in reference to something physical or spiritual. Allah the Exalted said (Take from their wealth so that you might purify and sanctify them). [Quran: 9;103]. The term tahara in its juristic sense means; The ruling given to the place where prayer is concerned (**place** – meaning, one's body, clothes and area where one prays), the cause being clean water or clean earth which is deemed suitable for tayammum when there is no water. [Nur al-Idah].

[2] Quran 25: 48

والثالث طاهر غير مطهر وهو ما استعمل لرفع حدث أو لقربة كالوضوء على الوضوء بنيته

3/ **The third type is water that is pure in itself, though is not purifying for other things. This is water that one has used to remove his minor impurity** (either through the process of wudu or bathing) **or water used to make wudu upon with the intention of attaining the pleasure of God.** Verily, if a person already in the state of wudu renews his wudu without intending the pleasure or nearness of God, it is classified as wastage because one is already in wudu. In addition, when making wudu upon wudu for the purpose of closeness to God, the second wudu must be made at a different place to that of the first, otherwise it is regarded as wastage (even if one intended nearness to God). If one makes wudu upon wudu in the same place, it is disliked and the water from the second wudu is not regarded as used water [*musta'mal*].

Moreover, nearness to God can be achieved by washing the hands before and after eating given that the Prophet said "Wudu (*the intended meaning is – the washing of the hands*) is a blessing prior to eating."[1] Therefore, if one washes his hands in the state of wudu and intended nearness to God, the water is deemed used [*musta'mal*]. If nearness to God is not the objective, the water is not deemed used.[2]

Furthermore, used water [*musta'mal*] is fit for the purification of physical filth [*najasa haqiqiyya*] from the body or clothes, such as urine, pus and wine, but it not purifying for *major or minor impurity* [*hadath*] *and therefore unfit for wudu and ghusl. Overall, the water used to remove one's minor impurity or the water used to make wudu upon wudu (intending the pleasure of God) is deemed used water. It is not valid to perform wudu or bath with this used water.*[3]

متى يصير الماء مستعملا ؟

When Does Water Become Used?

ويصير الماء مستعملا بمجرد انفصاله عن الجسد

Water becomes used right after it separates from the body. For example, a person who is washing his arm renders the water used right after it separates from the limb.

ما لا يجوز الوضوء به

That Which Is Not Permitted For Wudu

ولا يجوز بماء شجر وثمر ولو خرج بنفسه من غير عصر في الأظهر

One is not permitted to make wudu with tree water or fruit water (fruit juice) **even if the water flows out by itself without being squeezed, and this is the most** evident view on the basis that it has been mixed and is no longer plain water. An example is the juice from grapes.

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[1] Maraky al-Falah 13.

[2] Maraky al-Falah 13.

[3] Maraky al-Falah 13 | Fiqh al-Islamy, Ibrahim as-Salkini 32.

ولا بماء زال طبعه بالطبخ أو بغلبة غيره عليه

Likewise, it is not permitted to use water that has lost its essence (or nature) through cooking, or through the water being overwhelmed (or dominated) by another substance. The nature of water is to be thin and easy flowing, and if it loses this nature through cooking or due to a substance defeating the water, then this change renders the water unfit for wudu, such as when one cooks lentils in the water and allows it to dry, it becomes hardened, which then deems it invalid to use. Note: water may be defeated by solid or liquid substances.

بم تكون الغلبة

That Which Overwhelms The Water

والغلبة في مخالطة الجامدات بإخراج الماء عن رقته وسيلانه

ولا يضر تغير أوصافه كلها بجامد كزعفران وفاكهة وورق شجر

When mixed with a solid substance, the water is overwhelmed when it loses its thin and easy flowing nature, in which case it is not fit for ablution. **If however, the water retains its flowing nature even after mixing with a solid, such as saffron, fruit or tree leaves, it remains permissible to use even if the water loses all its qualities** such as colour, smell or taste. This means that if a solid such as leaves or apples mix with the water, but the water retains its flowing nature, then it does not affect the status of the water, even if some characteristics of the water change, such as its colour. The Prophet ((God bless him and grant him peace)) stated the following words regarding the man who fell down from his camel and died [Wash him with water and lotus leaves, and shroud him in two garments].[1] This indicates that if objects such as lotus leaves fall in the water it is of no harm, for the water has retained its essence.

والغلبة في المائعات بظهور وصف واحد من مائع له وصفان فقط كاللبن له اللون والطعم ولا رائحة له وبظهور

وصفين من مائع له ثلاثة كالخل

When water is mixed with a liquid substance that has characteristics, such as taste, colour and smell, the water is overwhelmed when the following occurs; **there are some liquids that have two characteristics, such as milk, which has colour and taste but no smell. When one of these two appears in the water, it is regarded as overwhelmed. Additionally, there are liquids that consist of three characteristics such as vinegar, which has smell, taste, and colour. When two of these three appear, the water is deemed overwhelmed.** Hence, when one from two appears and when two from three appears, the water is deemed unfit because it has been dominated. *Therefore, when liquid substances mix with the water, it is assessed by the qualities of taste, colour, and smell and when solids mix with the water, it is assessed by its qualities of thinness and flowing nature.*

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[1] Bukhari 1268

والغلبة في المائع الذي لا وصف له كالماء المستعمل وماء الورد المنقطع الرائحة تكون بالوزن فإن اختلط

رطلان من الماء المستعمل برطل من المطلق لا يجوز به الوضوء وبعكسه جاز

In the case of water mixing with a liquid substance which has no characteristic to it, such as previously used water or rose water that has lost its smell, then it is assessed by weight. That is, if two *ratls* of used water mixes with one *ratl* of plain water *(mutlaq)*, then ablution is not permitted with this water. **If the opposite occurs, it is permissible.** Note: a *ratl* is both a weight and a volumetric measure. One ratl in Baghdad measure is equal to 384.240 grams. Two *ratls* are therefore equal to 769 grams.[1]

والرابع ماء نجس وهو الذي حلت فيه نجاسة وكان راكدا قليلا ، والقليل ما دون عشر في عشر، فينجس

وإن لم يظهر أثرها فيه

4/ The fourth type is filthy (*najis*) water. This is a small quantity of *still* water into which an impurity has fallen. The water is deemed impure even if no trace of the filth appears therein. A small quantity of water is considered as <u>less</u> than ten by ten arm lengths.[2] Note: water can be retained in a place that is either – square, circular or rectangular as is seen in ponds and basins. If the place is square and the length of each side is ten arm lengths (i.e. its area is ten by ten general arm lengths), then it is considered as a large amount of water. If it is less, then it is deemed as a small quantity. If the water is in a place that is circular and the circumference is thirty six arms length, it is considered a large quantity of water. If it is less, the water is considered as a small quantity. And with respect to a large quantity, the depth is such that if one reaches into it to scoop up water, the base of the water would not appear. Therefore, if one knows for sure or strongly believes that filth [*najis*] has fallen in a *small quantity of still water*, then it is regarded impure, even if no trace of the filth appears therein.[3] Though if the water is considered as a large quantity of water, and an impurity falls in – it does not become filthy unless the trait of filth becomes noticeable therein; and this is the soundest view.[4]

With respect to this type of water, it is not permitted to remove *physical* or *legal* filth with it. As for Shafi'i, he held that the small quantity of water is restricted to <u>less</u> than *qullatayn* (i.e. less than 216 litres);[5] so that if the water reaches *qullatayn* (i.e. 216 litres) and an impurity falls in, though no sign of its colour, taste or smell become apparent, then it is deemed pure, given that the Prophet said [If the water reaches *qullatayn* (or 216 litres), then it does not carry filth].[6] If on the other hand, the signs of filth do become apparent in 216 litres of water, then it is deemed

[1] Maraky al-Falah 16. [See page 28 of this text for weights and measurements].

[2] An arm's length is considered as being from the tips of the fingers to the elbow (48cm).

[3] Nur al-Idah 14.

[4] Al-Fiqh al-Islamy 33.

[5] *Qullatayn* which the dual word of *qulla* equates to 500 *ratl* in Baghdad terms.

[6] Reported by the five, and Ibn Habban graded it as sound. Moreover, the meaning of '*It does not carry filth*,' means that it does not become impure. [Fiqh al-Islamy 34].

filthy. However, the Hanafis explained this hadith of *qullatayn* stating that the narrations conflict in this regard; for some state when the water reaches one *qulla* and some state three and some state forty.[1]

أو جاريا وظهر فيه أثرها والأثر طعم أو لون أو ريح

If however, an impurity falls in running water and the signs of filth appear in it, then it is deemed impure. The signs (or traces) of filth are taste, colour or smell. Though if the filth is not evident or noticeable, then wudu is permitted because the filth does not remain due to the flow of the water. Note: running water is one that is not used repeatedly, such that if one scoops up water once, it will not be the same water when one scoops it up the next time.

والخامس ماء مشكوك في طهوريته وهو ما شرب منه حمار أو بغل

5/ **The fifth type of water is that which is doubtful with respect to its purifying other things**, and not with respect to its actual purity.[2] **This is water which a donkey or mule has drunk from.** This doubt will be explained shortly.

فصل في أحكام السؤر

The Rulings of Remnant Water [Su'r][3]

والماء القليل إذا شرب منه حيوان يكون على أربعة أقسام ويسمى سؤرا

If an animal drinks from a small amount of water, the remaining water is called *su'r*, and there are four categories:

الأول : طاهر مطهر وهو ما شرب منه آدمي أو فرس أو ما يؤكل لحمه

1. **The first type is water that is pure in itself and is purifying for other things and this is the water that a human drinks from,** provided there is no filth in his mouth at the time, such as alcohol; **or water that a horse drinks from,** for the leftover water of the horse is pure according to the majority, **or an animal whose meat is lawful for consumption.**

والثاني : نجس لا يجوز استعماله وهو ما شرب منه الكلب أو الخنزير أو شيء من سباع البهائم

كالفهد والذئب

2. **The second type is filthy water that is not permissible to use. This is water that a dog, pig or predatory land animal, such as a cheetah, fox or wolf have drunk from.**

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[1] Fiqh al-Islamy, Ibrahim as-Silkini 34.

[2] That is, the doubt does not pertain to the purity of this water; rather, the doubt pertains to whether it can purify other things.

[3] *Su'r* is known as the remainder. Legally, it is the small quantity of water which remains after a human or animal have drunk. This means that the water of a river or ocean cannot be termed *su'r* even if thousands of people or animals drink from its water.

والثالث : مكروه استعماله مع وجود غيره وهو: سؤر الهرة والدجاجة المخلاة وسباع الطير كالصقر والشاهين والحدأة (وسواكن البيوت) كالفأرة لا العقرب

3. The third type is **water that is disliked to use in the presence of plain water.** Meaning if plain unmixed water is available, it becomes disliked to use this type of water. **This is the leftover water of a cat, stray chicken, predatory bird such as an eagle, falcon and glede as well as animals that tend to be located in or around the home such as a rat or snake, though there is no dislike in using the leftover water of a scorpion.** The reason for a stray chicken is because it is free to roam and one cannot be sure if it has eaten something filthy or not. If however the chicken is caged, then its leftover water is not disliked. Moreover, with respect to why predatory birds are in this type and their difference to predatory animals, is that predatory land animals drink with their tongues, and this is wet with saliva that is deemed impure, whereas predatory birds drink with their beak, and their beaks are bones which are pure.

والرابع : مشكوك في طهوريته وهو، سؤر البغل والحمار، فإن لم يجد غيره توضأ به وتيمم ثم صلى

4. The fourth type is **water that is suspect (doubtful) with respect to its purity. This is the left over water of a mule or donkey. If there is no other water available, then one is permitted to make ablution with this type and then make tayammum, followed by prayer.** The reason one also observes tayammum is precautionary in case the wudu is not accepted due to the water.

فصل في التحري في الأواني والثياب

Investigating Utensils And Clothes

لو اختلط أوان أكثرها طاهر، تحرى للتوضؤ والشرب

If some pots containing clean water are *placed near* some pots that contain filthy water, though the majority is clean, then a person is required to investigate that which he can use for wudu and drinking. Note: A person may investigate for drinking out of necessity.

وإن كان أكثرها نجسا لا يتحرى إلا للشرب

If the majority are filthy, then a person investigates the matter only for drinking. This may arise due to necessity such as extreme thirst in a distant place where one fears for his life. This being the case, the person is exempt from having to investigate the water with respect to wudu because the majority is impure.

وفي الثياب المختلطة يتحرى سواء كان أكثرها طاهرا أو نجسا

With respect to clean clothes mixing with filthy clothes, one must investigate to determine which items are to be worn regardless if the majority of them are filthy or clean, for it is better to pray in clothes that are completely impure, than to perform prayer naked.

فصل في أحكام الآبار وتطهيرها

Wells And Their Purification

تنزح البئر الصغيرة بوقوع نجاسة - وإن قلت - من غير الأرواث كقطرة دم أو خمر

All the water is to be withdrawn from a small well if an impurity falls in, even if the impurity is small such as a drop of blood or alcohol. This is because a small impurity renders a small quantity of water impure, even if it does not visibly appear in the water. **Though this rule excludes a small amount of dung**, for the reason that a small amount is unavoidable and is therefore ignored. However, it is not ignored in an excessive quantity. The reason a small amount is ignored is because the mouths of wells are generally not covered and cattle drop their dung around them and these are then cast into the wells by the wind.

وبوقوع خنزير ولو خرج حيا ولم يصب فمه الماء، وبموت كلب أو شاة أو آدمي فيها

Likewise, all the water is to be withdrawn if a pig falls in the well, even if it comes out alive and its tongue did not touch the water. The reason for this is that all parts of the pig are deemed impure, so any part of the pig that touches the water instantly renders it filthy. **Also, if a dog, sheep or human die in the well, then all the water is to be withdrawn.** It is reported that when a man died in Zamzam water this is what Ibn Abbas and Ibn al-Zubair (God be pleased with them) ordered with many of the Companions present with no objection. Equally, with respect to the dog, death is conditional because it is completely pure with the exception of its tongue; which means if the dog does not die in the well and exits the water with its tongue not touching it, then the water remains pure.[1]

وبانتفاخ حيوان ولو صغيرا وماتنا دلو، لو لم يمكن نزحها

Furthermore, all the water is to be withdrawn **if there is a dead bloated animal in the water, even if it is a small animal,** for the reason that its filth has spread into the water given the fact that it is bloated which indicates it has been there for a while. **If it is not possible to withdraw all the water, then it is necessary to expel 200 buckets of water from the well.** Note; the buckets are to be of average size, usually the bucket used for the well itself.

وإن ماتت فيها دجاجة أو هرة أو نحوهما لزم نزح أربعين دلوا وإن ماتت فيها فأرة أو نحوها لزم نزح عشرين دلوا

وكان ذلك طهارة للبئر والدلو والرشاء ويد المستقي

If however, a chicken, cat, or something of the like dies in the water, then 40 buckets must be withdrawn. If a rat dies, or something of the like, then 20 buckets are to be withdrawn. And this action of taking out the water purifies the well, bucket, rope and the hand of the person cleaning the well. This is the verdict from Imam Abu Yusuf and Imam Hasan.

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[1] Maraky al-Falah 23.

ولا تنجس البئر بالبعر والروث والخثي إلا إن يستكثره الناظر أو أن لا يخلو دلو عن بعرة

The water of the well is not made impure with the dung of camels, sheep, horses, mules, donkeys and cows etc..., unless a large amount is visible or unless there is a situation that in every bucket, there is dung present in which case all the water is to be withdrawn.

ولا يفسد الماء بخرء حمام وعصفور

Likewise, the droppings of pigeons or sparrows do not ruin the well-water, i.e. the birds that are lawful to eat, because the Prophet ((God bless him and grant him peace)) thanked the pigeon and said [Verily, it nested on the door of the cave until I was safe, and may Allah reward it with the masjid as its home].[1] And Ibn Mas'ud wiped away the droppings of a bird with his hand. This is the opted view in many of the Hanafi books. The dispute between the scholars pertains to the droppings of birds that are not lawful for consumption.[2]

ولا بموت مالا دام له فيه كسمك وضفدع وحيوان الماء وبق وذباب وزنبور وعقرب

The death in water of a thing that does not have blood flowing through its body does not render the water impure such as a fish, frog, aquatic creature, mosquito, fly, wasp, scorpion, or the like. According to Shafi'i it does pollute the water.[3]

ولا بوقوع آدمي وما يؤكل لحمه إذا خرج حيا ولم يكن على بدنه نجاسة ولا بوقوع بغل وحمار وسباع طير ووحش في الصحيح

In addition, **the water is not ruined with the falling of a human** into the well or **the falling of that which is lawful to eat,[4] provided it comes out alive and there was no filth present on the body** when it fell in. **Likewise, the water is not ruined with the falling of a mule, donkey, and predatory bird into the well,** provided they exit the water alive **and this is the soundest view.**

وإن وصل لعاب الواقع إلى الماء أخذ حكمه

If the saliva of the animal touches the water, then the water is judged according to the animal; meaning, if the saliva from a sheep touches the water, then the water is assessed according to the sheep - which is pure, but if the saliva of a dog touches the water, then we assess the water according to the dog which results in its being deemed filthy. Hence, the water is ruled based on the animal.

ووجود حيوان ميت فيها ينجسها من يوم وليلة

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[1] Tabarani 20/443.

[2] Maraky al-Falah 25.

[3] Al-Hidayya 29.

[4] Such as a camel, cow or sheep.

If there is a dead animal in the water and no-one knows how long it has been there, it renders the water impure for one day and one night; meaning the people must repeat one day and night of prayer if they used that water to perform wudu from.

ومنتفخ من ثلاثة أيام و لياليها إن لم يعلم وقت وقوعه

If the animal is bloated (swollen), then the water is ruled impure for three days and three nights if no one knows when the animal fell in; meaning the people must repeat three days and three nights of prayer provided they used this water to make ablution from or used the water for the major bath. Note: if the animal is bloated, this indicates that it has been in the water for some time and for this reason the water is deemed impure for three days and three nights. If however the people only used the well-water to wash their filthy clothes and not for wudu, then they need not repeat their prayers, though they must wash their clothes again.[1]

فصل في الاستنجاء وما يجب تقديمه على الوضوء

Istinja,[2] And That Which is Required Prior To Wudu

يلزم الرجل الاستبراء حتى يزول أثر البول ويطمئن قلبه على حسب عادته إما بالمشي أو التنحنح أو الاضطجاع أو غيره ولا يجوز له الشروع في الوضوء حتى يطمئن بزوال رشح البول

On passing urine, a person must ensure that the leakage of urine has stopped and his mind is satisfied concerning the issue. **This is achieved through one's regular habits, such as walking, coughing, or leaning on one's side.** The woman is not required to do this. She is to wait a small time and then clean herself. **It is not permissible to begin wudu until one is satisfied that the leakage** of **urine has stopped.**

حكم الاستنجاء

The Ruling Of Istinja

والاستنجاء سنة من نجس يخرج من السبيلين ما لم يتجاوز المخرج

***Istinja* is sunna when the filth that *exits* from the private part has not spread past the boundary of the outlet.** For example; if a person defecates and the faecal matter does not smear beyond the perimeter of the anus, then *istinja* is sunna. This applies to male and female.

وإن تجاوز وكان قدر الدرهم وجب إزالته بالماء ، وإن زاد على الدرهم افترض

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[1] Maraky al-Falah 26.

[2] Linguistically, istinja is to wipe or wash the place where excrement is discharged. Excrement is the term given for that which exits the bowel. According to scholars of jurisprudence, it is the removal of filth with water or the like.

If the filth crosses the boundary of its outlet and is equal to the size of a dirham,[1] **it is necessary to remove it with water** or with a liquid cleanser such as rose water. **And if the filth passes** the boundary of the outlet **and is *more* than the size of a dirham, then it is obligatory to clean with water.**

ويفترض غسل ما في المخرج عند الاغتسال من الجنابة والحيض والنفاس وإن كان ما في المخرج قليلا

Additionally, when a person is observing the major bath from post intercourse discharge, menstrual bleeding and postnatal bleeding, it is obligatory to wash the filth in the exit passage, even if it is a minimal quantity. One is not to exert difficulty upon himself when undertaking this cleaning.

ويسن أن يستنجي بحجر منق ونحوه والغسل بالماء أحب ، والأفضل الجمع بين الماء والحجر فيمسح ثم يغسل.

ويجوز أن يقتصر على الماء أو الحجر

It is sunna to perform *istinja* with a clean stone or the like provided it is not rough such as burnt clay and not valuable, **and washing with water is superior** than simply wiping the filthy area. **Whereas the best method is to combine between washing with water and wiping. Hence, the individual wipes, and then washes. And it is permitted if a person uses only one method**; meaning, if one restricts the cleaning to washing only, it is permitted and vice versa.

والسنة إنقاء المحل والعدد في الأحجار مندوب لا سنة مؤكدة ، فيستنجي بثلاثة أحجار ندبا إن حصل التنظيف بها دونها

The sunna is to purify the area, and to use a prescribed number of stones is recommended, and not an emphasized sunna, and the recommended number of stones to use is three, even if the area is cleaned in less than that. Imam Shafi'i said that three is necessary due to the words of the Prophet ((God bless him and grant him peace)) [Perform istinja with three stones]. The Hanafis rely on the words of the Prophet ((God bless him and grant him peace)) who said [Whomever cleaned, then he should clean in odd numbers, and whoever observed this, has done well and whoever did not, there is no blame].[2]

كيفيته

How To Perform Istinja

وكيفية الاستنجاء أن يمسح بالحجر الأول من جهة المقدم إلى خلف وبالثاني من خلف إلى قدام وبالثالث من قدام

إلى خلف إذا كانت الخصية مدلاة

If the males scrotum is hanging loosely (or stretched), **then the procedure of istinja is as follows: one is to wipe with the first stone from the front part** (near the testicles) **through to the rear, and with the second from the rear to the front, and with the third from the front to the rear,** and this is the etiquette. Moreover, the reason this procedure is related with a long scrotum is because it is recommended to conclude the wiping at the rear so that the filth is not brought to the front and spread all over due to the long scrotum.

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[1] A dirham = 20 qirat with respect to solids (or approx 3.5 grams) and with respect to fluid, the size is equivalent to its area (or the expanse of a large coin). Maraky al-Falah 28.

[2] Abu Dawud 35.

وإن كانت غير مدلاة يبتديء من خلف إلى قدام

If however, the scrotum is not hanging loosely, then one is to begin from the rear to front because in this situation, cleaning can be optimally achieved.

والمرأة تبتدىء من قدام إلى خلف خشية تلويث فرجها

The female is to begin from the front to the rear, for fear of defiling her vagina.

ثم يغسل يده أولا بالماء ثم يدلك المحل بالماء بباطن إصبع أو أصبعين أو ثلاثة إن احتاج

After wiping, the male is to first wash his hand because if he first touches the soiled area while his hand is dry, it may soak the faeces into the skin; **thereafter, he is to rub the soiled area with water using the inside of his finger, two fingers or three if needed.**

ويصعد الرجل إصبعه الوسطى على غيرها في ابتداء الاستنجاء ثم يصعد بنصره ولا يقتصر على إصبع واحدة

The male is to raise his middle finger over the other fingers at the beginning of the *istinja*, and thereafter is to raise his ring finger forward, as it insures optimum cleaning. **The male is not to restrict the cleaning to only one finger** because cleaning will not be optimally achieved.

والمرأة تصعد بنصرها وأوسط أصابعها معا ابتداء خشية حصول اللذة

The female is to raise her ring finger along with her middle fingers simultaneously at the start of *istinja* for fear of being sexually aroused. This means that the woman uses the majority of her fingers when she begins.

ويبالغ في التنظيف حتى يقطع الرائحة الكريهة ، وفي إرخاء المقعدة إن لم يكن صائما

One is to perform the utmost in cleaning the area **until the foul smell is gone, and is to thoroughly relax the buttocks** or hips in order to clean what is in the passage to the best of one's ability, **though this relaxation of the buttocks** (and hips) **is performed provided one is not fasting,** and the basis for this is that there is water present around the anus which will nullify one's fast if it enters, and one must be cautious not to allow their wet finger from entering the private area, otherwise, the fast breaks.

فإذا فرغ غسل يده ثانيا ونشف مقعدته قبل القيام إذا كان صائما

When one finishes from cleaning the soiled area with water, the hand is to be washed for the second time and the buttocks are to be dried before standing if the person is fasting, because if one is fasting and the buttocks are wet, it may be drawn in when standing which could nullify the fast.

فصل فيما يجوز به الاستنجاء، وما لا يجوز به، وما يكره فعله حال قضاء الحاجة

What Is and Is Not Permitted To Use In Istinja And What Is Disliked At The Time Of Relief

لا يجوز كشف العورة للاستنجاء

It is not permitted to expose the private area *[awrah]* **for** ***istinja*** during the presence of others. If there are onlookers, then *istinja* is performed under the clothes. If one uncovers the private area in the presence of others, he is regarded as an immoral person *[fasiq]* due to its unlawfulness.

وإن تجاوزت النجاسة مخرجها وزاد المتجاوز على قدر الدرهم لا تصح معه الصلاة إذا وجد ما يزيله ، ويحتال

لإزالته من غير كشف العورة عند من يراه

If the filth crosses the boundary of one's exit passage and is greater than the size of a *dirham*, prayer is not valid if there is something available to remove the impurity, such as water. **One is to do his best in removing the impurity without exposing the private area to onlookers.**

ما يكره به الاستنجاء

That Which Is Disliked To Use In Istinja

ويكره الاستنجاء بعظم وطعام لآدمي أو بهيمة

It is disliked to use bones and the food of humans or animals because it is deemed as waste and because the Prophet ((God bless him and grant him peace)) prevented us from doing so as he said [Do not perform *istinja* with faeces or bones, for it is food for your brothers of the jinn] and he said [Do not waste, do not waste].[1]

وآجر وخزف وفحم وزجاج وجص وشيء محترم كخرقة ديباج وقطن وباليد اليمنى إلا من عذر

It is disliked **to use baked bricks** and anything made with fire, such as tiles, **as well as earthenware, charcoal, glass, gypsum and items of value or respectable such as silk or cotton. It is disliked to use the right hand unless there is a valid reason.** Salman said [The Prophet forbade us from cleaning the private parts with the right hand, and from cleansing with less than three stones, or cleansing with dung or bone].[2] The Prophet ((God bless him and grant him peace)) also said [When anyone of you urinates, he must not touch his penis with his right hand, and when he goes to relieve himself he must not wipe with his right hand, and when he drinks, he must not drink in one breath].[3]

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[1] Reported by an-Nasai 1/72 and Ibn Majah 424 - The Book of Purification and its Sunna.

[2] Bukhari and Muslim 267.

[3] Abu Dawud 31.

آداب قضاء الحاجة

The Etiquette Of Performing One's Need (Adab)

ويدخل الخلاء برجله اليسرى ويستعيذ بالله من الشيطان الرجيم قبل دخوله

One is to enter the lavatory with the left foot and is to seek protection in Allah from Satan the rejected before entering. The Prophet ((God bless him and grant him peace)) said [The cover between the eyes of the jinn and the private parts of the children of Adam is when the person enters the lavatory, he says, "In the name of Allah"].[1] The Prophet ((God bless him and grant him peace)) also said [The evil ones of the jinns are present, so if anyone enters the lavatory, he should say, 'I seek refuge with Allah from the unclean spirits, male and female'].[2]

ويجلس معتمدا على يساره ولا يتكلم إلا لضرورة

One is to sit leaning upon his left side and is not to talk unless there is a need. The Prophet ((God bless him and grant him peace)) said [When two persons go together for relieving themselves uncovering their private parts and talking together, Allah the Great and Majestic, becomes wrathful at this action].[3]

ويكره تحريما استقبال القبلة واستدبارها ولو في البنيان

It is prohibitively disliked to face the qibla at the time of relief **and to turn around giving it one's back even if the toilet is within a building.** The Prophet ((God bless him and grant him peace)) said [If the need to defecate arose, then do not face the qibla, and do not turn around giving it your back, however turn east or west].[4]

واستقبال عين الشمس والقمر

To face the sun or moon directly is disliked because they are great signs of Allah's creation.

ومهب الريح

To face a blowing wind is disliked at the time of relief because the filth is likely to be blown back onto one's body or clothes.

ويكره أن يبول أو يتغوط في الماء والظل

It is disliked to urinate or defecate in water even if it is flowing, **and the same applies in a place of shade** because it may be a rest area for other people.

والجحر والطريق

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[1] At-Tirmidhi, The Book of Purification 606.

[2] Abu Dawud 6.

[3] Abu Dawud 15.

[4] Bukhari 144.

It is disapproved to **urinate or defecate in a hole, on a road** or a cemetery as the Prophet ((God bless him and grant him peace)) said: "Fear the two that are cursed." They inquired, "Who are those that are cursed O Messenger of Allah?" He said, "The one that relieves himself in the road or walkway of the people or in their shade."[1]

وتحت شجرة مثمرة

To relieve oneself under a fruit tree is disapproved.

والبول قائما إلا من عذر

To urinate standing is disliked unless there is a reason, such as an injured back. It is also disliked to urinate in the place of wudu due to the onset of satanic whispers which may be brought on by such a practice and because there is prohibition from exposing the private parts whilst standing as Anas (Allah be pleased with him) said [If the Prophet wanted to attend to a need, he would not lift his clothes until he was close to the ground].[2]

ويخرج من الخلاء برجله اليمنى

• **One is to exit the lavatory with the right leg** because it has more right to be advanced when exiting such a place.

ثم يقول الحمد لله الذي أذهب عني الأذى وعافاني

• **One is then to say, "*All praise be to Allah, the One who has repelled harm from me and protected me.*"** And the Prophet ((God bless him and grant him peace)) said at the time of exiting [I ask your forgiveness].[3]

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[1] Muslim 269.

[2] At-Tirmidhi, The Book of Purification 14.

[3] Abu Dawud 30.

فصل في الوضوء

The Chapter Of Wudu (Ablution)

The Messenger of Allah (God bless him and grant him peace) said, "When a person performs ablution and rinses his mouth, his wrong deeds fall from it. As he rinses his nose, his wrong deeds fall from it. When he washes his face, his wrong deeds fall from it until they fall from beneath his eyelashes. When he washes his hands, his wrong deeds fall from them until they fall from beneath the fingernails. When he wipes his head, his wrong deeds fall from it until they fall from his ears. When he washes his feet, his wrong deeds fall from them until they fall from beneath his toenails. Then his walking to the masjid and his prayer give him extra reward."[1] Allah the exalted said in relation to wudu [O you who believe! When you prepare for prayer wash your faces and your hands (and arms) to the elbows; Rub your head (with water) and (wash) your feet to the ankles].[2]

أركان الوضوء

The Pillars Of Wudu

أركان الوضوء أربعة وهي فرائضه

The pillars of wudu are four; and these are its obligatory features:

الأول:غسل الوجه، وحده طولا من مبدأ سطح الجبهة إلى أسفل الذقن وحده عرضا ما بين شحمتي الأذنين

The first of these is to wash the face, due to the saying of Allah ((Wash your faces)),[3] **and its limit length wise, is from the start of the top of the forehead** (*typically from the hairline*) **to the bottom of the chin. And breadth wise, its limit is the area between the two ear lobes.** The definition of washing is that at least a couple of drops should flow from the limb.

والثاني : غسل يديه مع مرفقيه

The second is to wash the hands with the arms (and elbows) once.

والثالث : غسل رجليه مع كعبيه

The third is to wash the feet with the ankles as the Prophet ((God bless him and grant him peace)) once observed some people performing ablution while their heels were dry. He then said [Woe to the (dry) heels from Hellfire. Perform ablution in full].[4]

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[1] Malik, an-Nasai and Ibn Majah.

[2] Al-Maida 6.

[3] Al-Maida 6

[4] Abu Dawud 97.

والرابع : مسح ربع رأسه

The fourth pillar is to wipe a quarter of the head as the Prophet ((God bless him and grant him peace)) wiped the front of his head.[1]

سبب الوضوء

The Reason For Wudu

وسببه : استباحة ما لا يحل إلا به ، وهو حكمه الدنيوي. وحكمه الأخروي : الثواب في الآخرة

Its reason is to make lawful those actions that cannot be valid except with wudu. This is its ruling pertaining to this life, while in the hereafter; it is the attainment of rewards.

شروط وجوب الوضوء

Conditions Which Obligate Wudu

وشرط وجوبه : العقل والبلوغ والإسلام

The conditions that render wudu obligatory are sanity, maturity, and Islam. Note: the immature and insane person are not subject to the commands of the Sacred law. A'ishah related that the Prophet ((God bless him and grant him peace)) said "The pen has been lifted from three; "A sleeping man, until he wakes; an immature person until he attains maturity and an insane person until he is restored to his senses."[2] Likewise, if one is not Muslim, he is not subject to the Sacred law with respect to prayer. Additionally, maturity is attained when one experiences a dream of a sexual nature. Though if this does not occur, then one Hanafi view maintains that he attains maturity at the age of fifteen years as is the opinion of the two disciples (Abu Yusuf and Muhammad) as well as Imam Shafi'i and Ahmad. Another Hanafi view maintains that it is at eighteen years, as is the view of Ibn Abbas. However, the fatwa issued on the matter is according to the view of the two disciples.[3]

وقدرة على استعمال الماء الكافي

Additionally, **one must have the ability to use a sufficient amount of water to wash the required limbs at least once.** Note: not having water or needing it due to a necessity negates one's ability; for there is no ability unless there is water. In addition, ***having the ability*** means to have a sufficient amount for wudu. If one does not possess this quantity, then it is like one who does not have water. Furthermore, if one has water but has no rope by which to extract it from a well, then he is not legally able to use the water.

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[1] An-Nasai, Muslim-The Book of Purification 275.

[2] Ibn Majah 2041.

[3] Rawai'ul Bayan, Shaykh Muhammad Ali Sabuni 200.

ووجود الحدث وعدم الحيض والنفاس

Being in a state of minor ritual impurity obligates wudu because the performance of wudu for one who is already in the state of wudu is not required. **Likewise, the absence of menstrual periods and postnatal bleeding** requires the performance of ablution.

وضيق الوقت

When there is inadequate time left for the obligatory prayer, the wudu must be made immediately. Note: at the beginning of the time of prayer, one has an extended time in which he can make wudu and offer prayer, though when the time is cramped, this obligates the wudu immediately.[1]

شروط صحة الوضوء

Conditions That Validate Wudu

وشرط صحته ثلاثة

The conditions that validate wudu are three;

عموم البشرة بالماء الطهور

1. **Pure water is to reach the complete outer skin,** and if the area of a pin hole remains in which water does not touch from the parts that are obligatory to wash, wudu is not valid.

وانقطاع ما ينافيه من حيض ونفاس وحدث

2. **The things that are incompatible with wudu must cease before commencing wudu, such as menstrual periods, postnatal bleeding and minor ritual impurity.** For example, if there is urine or blood which flows at the time of wudu, it is invalid.

وزوال ما يمنع وصول الماء إلى الجسد كشمع وشحم

3. **One must remove objects of dirt that prevent water from reaching the body, such as wax or fatty grease;** the same applies with nail polish, paint, or glue.

فصل في تمام أحكام الوضوء

Fulfilling The Rulings Of Wudu

يجب (يعني : يفترض) غسل ظاهر اللحية الكثة في أصح ما يفتى به

It is obligatory to wash the visible part of a thick beard, and this is the soundest view upon which the fatwa is given. A thick beard is one that covers the skin, which prevents others from seeing the skin of the face. And the reason it is obligatory to wash what is apparent is due to its thickness that has now taken the place of the skin of the face. Hence, the obligation passes from the skin to the beard. It has also been mentioned that washing a quarter of the thick beard or

[1] Maraky al-Falah 37.

wiping it suffices. Some held that it is sufficient to wash or wipe one third of it, while others maintained that its ruling is like that of a small beard. However, the view in the bold text above is the correct one. Furthermore, in Arabic text prior to this paragraph, the author of Nur al-Idah used the word *wajib* instead of obligatory, though what he meant in this particular instance is obligatory as was made evident in his explanation in Maraky al-Falah.

ويجب (يعني : يفترض) إيصال الماء إلى بشرة اللحية الخفيفة

It is obligatory for water to reach the skin of a person with a small beard, one of the reasons being that it is easy to wash and poses no hardship.

ولا يجب إيصال الماء إلى المسترسل من الشعر عن دائرة الوجه ولا إلى ما انكتم من الشفتين عند الانضمام

It is not necessary for water to reach the hair that stretches from outside the border of the face.[1] **And neither is it necessary for water to reach the section of the lips that is hidden when the mouth is closed during wudu** because what is unseen is linked to the mouth and what is apparent is linked to the face.

ولو انضمت الأصابع أو طال الظفر فغطى الأنملة أو كان فيه ما يمنع الماء كعجين وجب (يعني:

افترض) غسل ما تحته

If the fingers are tightly held together in a manner that prevents water from flowing in between them or the finger nails have grown over the finger tips and prevented water from reaching the tips or if there is something which prevents water from the skin such as dough, it becomes obligatory to wash it after removing the obstruction.

ولا يمنع الدرن وخرء البراغيث ونحوها

Substances such as insect dropping, the dung of fleas and things of the like do not prevent water from reaching the skin. The washing is valid in the presence of such things.

ويجب تحريك الخاتم الضيق

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[1] That which is outside the perimeter or bounds of the face is not required to be washed. Ibn Hajar explains in Sharh al-Minhaj: that which grows at the lower part of the chin is not required to be washed, because when it grows, it will be outside the perimeter of the face. As for what grows on the perimeter, one is required to wash what is within the perimeter and not the excess outside the border; and likewise, the hair which grows within the bounds of the face upon the cheeks is required to be washed, though not the surplus (outside the bounds). It is for this reason that al-Badai' states that the correct view is that it is compulsory to wash the hair that meets with the cheeks (i.e. that which meets with the perimeter) and that which is apparent on the chin, though not the extended part of the beard outside the perimeter. According to Shafi'i, this is required. [Radd al-Muhtar 1/215].

It is necessary to move around the tight ring during wudu on the basis that it prevents the water from reaching the skin; and when the Prophet ((God bless him and grant him peace)) performed wudu, he moved his ring.[1]

ولو ضره غسل شقوق رجليه جاز إمرار الماء على الدواء الذي وضعه فيها

If the washing of cuts on one's feet would cause harm or pain, it is permitted to pass water over the medicine that is placed on the cuts.

ولا يعاد المسح ولا الغسل على موضع الشعر بعد حلقه ولا الغسل بقص ظفره وشاربه

One is not required to repeat the wiping on the place of the hair after it has been shaved, and neither is one required to repeat the washing after cutting his nails or moustache.

فصل في بيان سنن الوضوء

The Sunan Of Wudu

يسن في الوضوء ثمانية عشر شيئا

There are eighteen practices that are sunna in wudu;

غسل اليدين إلى الرسغين

1 – **Washing the hands to the wrists** prior to performing wudu. The Prophet ((God bless him and grant him peace)) said ((If one of you awakes from sleep, he should not dip his hand in the container until he washes it three times, for verily he does not know where his hand was)).[2]

والتسمية ابتداء

2 – **To begin with the *tasmiyyah*,** which is "*In the name of Allah, Most Merciful, Most Compassionate.*" The Prophet ((God bless him and grant him peace)) said [There is no prayer for one with no wudu, and there is no wudu for one who does not mention the name of Allah on it].[3] The meaning of the hadith here is the denial of perfection. In addition, there is a narration from the Prophet ((God bless him and grant him peace)) that the tasmiyya is to say: "*In the name of Allah, the Magnificent and all praise be to Allah for the religion of Islam.*" In addition, if one says at the beginning of wudu, "*There is no god except Allah,*" or "*Praise be to Allah,*" or "*I bear witness that there is no god except Allah,*" then one has fulfilled the sunna.[4]

والسواك في ابتدائه ولو بالإصبع عند فقده

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[1] Ibn Majah, The Book of Purification and its Sunna 449.

[2] Muslim 252.

[3] Abu Dawud 101.

[4] Al-Madhahib al-Arba'a, vol.1, 62.

3 – **It is sunna to use the siwak** (the brushing of the teeth with the stick) **at the beginning of wudu, even if it is with the finger when the siwak is not available.** The Prophet ((God bless him and grant him peace)) said ((Would it not be a burden on my nation, I would have ordered them to use the siwak at every prayer)).[1]

والمضمضة ثلاثا ولو بغرفة

4 – **To rinse the mouth three times is sunna even if the three mouthfuls are from a single handful of water.** One is deemed as having fulfilled the sunna of gargling thrice, even with these actions. The Prophet ((God bless him and grant him peace)) said [When one performs ablution, he should rinse his mouth].[2]

والاستنشاق بثلاث غرفات

5 – **To run water in the nostrils with three separate handfuls of water** is sunna. Meaning, one is to use three new handfuls of water when rinsing the nostrils.

والمبالغة في المضمضة والاستنشاق لغير الصائم

6 – **During the rinsing of the mouth and nostrils, it is sunna for one to increase the depth** of rinsing **provided he is not fasting**; that is, one gargles further down near the throat when rinsing the mouth and runs water further up the nostrils.

وتخليل اللحية الكثة بكف ماء من أسفلها

7 – It is sunna to **pass the fingers through the bottom of a large beard with water on the palm of the hand.** The Prophet ((God bless him and grant him peace)) observed this when he made wudu (in that) he took a handful of water underneath his throat and he ran his fingers between his beard. Thereafter, he said [This is what my Lord has ordered me]. It is said that Abu Yusuf held this as sunna, while Abu Hanifa held it as permissible.[3]

وتخليل الأصابع

8 – **It is sunna to interlace the fingers** on the basis of the Prophet's order. The Prophet ((God bless him and give him peace)) said [If you make wudu then interlace the fingers of your hands and feet].[4] This is done by passing the fingers of one hand through the fingers of the other. The Prophet ((God bless him and grant him peace)) said [Whoever does not interlace his fingers in water, Allah will interlace them in Hellfire on the Day of Judgement].[5]

وتثليث الغسل

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[1] Muslim 487.

[2] Abu Dawud 144.

[3] Al-Hidayah12.

[4] At-Tirmidhi, The Book of Purification 39

[5] Tabarani 22/64.

9 – **It is sunna to wash the limbs three times.** The Prophet ((God bless him and grant him peace)) [Performed the acts of ablution once and said, "This is the obligatory requisite of ablution." He then performed each act of ablution twice saying, "This is the ablution who God grants a double reward." He thereafter performed each act thrice and said, "This is my wudu, the wudu of the Prophets before me."].[1]

واستيعاب الراس بالمسح مرة

10 – **Wiping the entire head is sunna** due to the report that the Prophet ((God bless him and grant him peace)) [Performed wudu and wiped his entire head].[2] Imam Shafi'i holds that the sunna is to do so thrice with water renewed each time. Our argument is that Anas ((God be pleased with him)) performed each act of ablution thrice, but performed the wiping of the head once. He then said, "This is the ablution of the Messenger of God" ((God bless him and give him peace)). This is a sound tradition.[3]

ومسح الأذنين ولو بماء الرأس

11 – **To wipe the ears, even if it is with the water used for the head** is a sunna practice as the Prophet ((God bless him and grant him peace)) said [The ears are from the head].[4] However, Shafi'i disagrees with using the same water for both limbs.

والدلك

12 – **To rub the limbs with water** is sunna. This is known as *dalk*, and other than Malik and Imam Awza'i, no other jurist held it obligatory.

والولاء

13 – **Washing the limbs successively** without pausing between them, such that in normal weather the last part would not dry before one began the next.

والنية

14 – **The intention of wudu** is sunna. Though Malik and Shafi'i said that it is compulsory because it is an act of worship which is not valid without it, as in the case of tayammum. Our argument is the words of Allah [O you who believe! When you prepare for prayer wash your face...] and there is no mention of intention. Abu Hanifa said if one does not intend, then the wudu is valid, but the rewards are less. Another argument is: the reason it is obligatory in tayammum is because the soil is *not* an original source where by one can attain purification. It is

[1] Ibn Majah 420.

[2] Bukhari 185.

[3] Al-Zayla'i, vol, 1, 30.

[4] Abu Dawud 134.

therefore essential to make the intention to render the soil pure, whereas with wudu, purification has been achieved through a purifying substance, namely water.[1]

والترتيب كما نص الله تعالى في كتابه

15 – **The chronological order of ablution is sunna as Allah mentioned them in His book,** while Imam Malik and Imam Shafi'i held it as obligatory. This means that to begin ablution with what Allah mentioned in the Quran is sunna [Wash your faces, and your hands (and arms) up to the elbows; rub your heads (with water) and wash your feet up to the ankles]. The reason in our view as to why it is sunna and not obligatory is because of the letter *'waw'* which is mentioned in the verse. The Hanafi school held that this indicates union without restriction by consensus of the experts in language. On the other hand, Imam Shafi'i held, that it is the letter *'fa'* which creates a binding command for what follows.[2]

والبداءة بالميامن ورؤوس الأصابع ومقدم الرأس

16/17/ – **It is sunna to: i) begin with the right when washing the limbs, ii) to commence the washing from the tips of the fingers and toes of the feet and iii) with respect to the head, to begin the wiping from the frontal part.** A'ishah reported that Allah's Messenger loved to start from the right hand side in purification as he purified himself.[3] Additionally, Abu Hurairah reported that Allah's Messenger said [As you perform ablution, begin it from your right hand sides].[4]

ومسح الرقبة لا الحلقوم

18 – **It is sunna to wipe the neck, not the throat.**

وقيل : إن الأربعة الأخيرة مستحبة

It has been said that the last four mentioned acts (namely point 15, 16, 17, and 18) **are recommended,** and not sunna.

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[1] An example of how one may attain wudu without intending is by inadvertently falling in a river or the like during which the parts required for wudu become wet.

[2] Al-Hidayah 14.

[3] Ibn Majah 401.

[4] Ibn Majah 402.

فصل في آداب الوضوء

The Etiquettes Of Wudu (Recommended Measures)

Literally, the word *adab* means to put something in its correct place. In its juristic sense, it is considered as that which the Prophet performed once or twice. This is also called *nafl, mustahab, mandub and tatawwu'*. The one who undertakes its performance is rewarded though is not blameworthy for its omission.[1]

من آداب الوضوء أربعة عشر شيئا

There are 14 practices that are recommended in wudu;

الجلوس في مكان مرتفع

1/ **To sit on an elevated place** for the reason that one should avoid the used water and allow it to flow away without splashing back onto one's clothes or body.

واستقبال القبلة

2/ **Facing the direction of prayer** for it is superior regarding the acceptance of supplication during the ablution.

وعدم الاستعانة بغيره

3/ The third is **not to seek assistance from others in performing wudu** so one may rise in worship alone without the help of others.

وعدم التكلم بكلام الناس

4/ **To abstain from talking in a manner of the general speech of people** which is devoid of remembrance as this distracts a person from making supplication the Prophet has taught us ((God bless him and grant him peace)).

والجمع بين نية القلب وفعل اللسان

5/ **To unite the intention of the heart with the verbal utterance of the tongue.**

والدعاء بالمأثور

6/ To make supplications which have been transmitted from the Prophet, Companions and Tabi'in is recommended.

والتسمية عند كل عضو

7/ To say, "*In the Name of Allah, Most Merciful, Most Compassionate*" at the time of washing or wiping each limb.

وإدخال خنصره في صماخ أذنيه

[1] Maraky al-Falah 46.

8/ To insert the little finger within the opening of the ears. This is performed in order to increase the area of wiping.

وتحريك خاتمه الواسع

9/ To move around the wide loose ring to ensure optimum cleaning is among the desirable practices of wudu.

والمضمضة والاستنشاق باليد اليمنى والإمتخاط باليسرى

10/ To gargle and draw water into the nostrils with the right hand and withdraw the nasal mucus with the left hand.

والتوضؤ قبل دخول الوقت لغير المعذور

11/ Performing wudu before the time of prayer has entered is from the etiquette of wudu, **though not for a person who is excused.**[1] The issue of a person deemed excused is detailed in due course.

والإتيان بالشهادتين بعده

12/ To recite the two declarations of faith after the completion of wudu while standing. The Prophet ((Peace be upon him)) said [If anyone of you performs ablution and performs it well, and when he finishes ablution, he utters the words 'I bear witness that there is no god except Allah and I bear witness that Muhammad is His servant and Messenger; all the eight doors of Paradise will be opened for him, he may enter through any of them].[2]

وأن يشرب من فضل الوضوء قائما

13/ To drink from the remaining water of wudu standing is a recommended practice of wudu; meaning, one is to drink from the remaining water he performed wudu from and do so standing facing the qibla or one may sit because the Prophet ((God bless him and grant him peace)) [Drank standing from the excess of wudu, the water of Zamzam].[3]

وأن يقول : اللهم اجعلني من التوابين و اجعلني من المتطهرين

14/ Upon this, it is recommended to say, *"O Allah make me from among the repenters and make me from those who are pure."* [*Allahuma ij'alni min at-tawwabin waj'alni minal mutatahhirin*].

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[1] A person deemed excused is one who suffers from a chronic ailment such as continuously breaking wind and therefore unable to maintain wudu for the time needed to perform an obligatory prayer. One is therefore excused and permitted to pray even while he/she suffers from the condition during the prayer. Therefore, the observance of wudu prior to the prayer time entering is not for such a person.

[2] Abu Dawud 169.

[3] Bukhari 1637.

فصل في مكروهات الوضوء

That Which Is Disliked In Wudu

ويكره للمتوضيء ستة أشياء

Six things are disliked in wudu

الإسراف في الماء

1/ **To waste water** is disliked, due to the words of the Prophet ((God bless him and grant him peace)) to *Sa'ad* when he passed by him whilst he was making wudu [What is this wastage, O *Sa'ad*?] in which he replied: Is there wastage in wudu? The Prophet ((God bless him and grant him peace)) said [Yes, even if you were at a flowing river].[1]

والتقتير فيه

2/ It is disliked **to use very little water** to the extent that one uses hardly enough that it nearly becomes like wiping. The Prophet ((God bless him and grant him peace)) said [The best of matters is the middle course].[2]

و ضرب الوجه به

3/ **To slap water on the face** is disliked for the reason that the face has honour, and it should be performed gently, as the Prophet ((God bless him and grant him peace)) said ((Do not hit the face)).[3]

والتكلم بكلام الناس

4/ To **speak words of general speech,** namely, that which is devoid of the remembrance of God, is disliked as it entails distraction from supplication.

والاستعانة بغيره من غير عذر

5/ **To seek assistance from others without a reason** is disliked. Umar ((Allah be pleased with him)) said: I saw the Prophet ((God bless him and give him peace)) pouring water to make wudu, so I moved so that I could prepare that for him when he said to me, "Stop, O Umar - for verily I do not need anyone to help me with my prayers."[4]

وتثليث المسح بماء جديد

6/ To **wipe the head three times using new water each time** is disliked, because wiping is only performed once.

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[1] Ibn Majah 425.

[2] Reported by al-Baihaqi 261.

[3] Abdu-Razak 9/333.

[4] Related by Abu Yahya in his Musnad 1/200.

فصل في أقسام الوضوء

Categories Of Wudu

الوضوء على ثلاثة أقسام

Wudu is divided into three types

الأول : فرض على المحدث للصلاة ولو كانت نفلا ولصلاة الجنازة وسجدة التلاوة ولمس القرآن ولو آية

The first type is that which is obligatory upon one in a state of minor impurity who wishes to pray even if the prayer is a voluntary one, or is a funeral prayer, for indeed it is still a prayer even though it is not a complete one. **It is obligatory for the prostration of recital and for one who wishes to touch the Quran, even if it is only one verse** that is written on a paper, dirham or wall as Allah said in the Quran [None shall touch it except those who are clean].[1]

والثاني : واجب للطواف بالكعبة

The second type is that which is wajib for the tawaf of the ka'bah as the Prophet ((God bless him and grant him peace)) said [The tawaf around the ka'bah is like prayer except that you may speak, and whoever speaks should not speak unless it is good].[2]

والثالث : مندوب للنوم على طهارة ، وإذا استيقظ منه ، وللمداومة عليه

The third type is that which is recommended on different occasions, namely; when one wishes to sleep in a state of purification, or when one awakens from sleep or so one can continuously be in a state of wudu. Other occasions include, to touch the books of Islamic law, not the books on the interpretation of the Quran.

وللوضوء على الوضوء

It is recommended for one in a state of wudu to refresh his wudu with the intention of attaining rewards and closeness to God and provided that when one makes wudu for the second time, it is performed in a different place. The reason being is that performing wudu upon wudu from the same place is disliked if acts of worship are not performed between them, for this is deemed as wastage.

وبعد غيبة وكذب ونميمة

It is recommended after back biting, lying and after slander, which is to carry tales spreading corruption upon the earth.

وكل خطيئة وإنشاد شعر

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[1] Al-Waqi'a, 79.

[2] At-Tirmidhi, the Book of Purification 960.

t is recommended after every mistake including the oration of evil poetry, as vudu expiates small sins. The Prophet ((God bless him and grant him peace)) said There is not a person who committed sin and then performed [wudu] and hereafter observed prayer seeking Allah's forgiveness except that Allah forgives im], then the Prophet ((God bless him and grant him peace)) recited the verse And those who, having done an act of indecency or wronged their own souls, emember Allah and ask for forgiveness for their sins].[1]

وقهقهة خارج الصلاة

It is recommended after laughing loudly outside of prayer. The reason this is the case is because to laugh loudly in prayer nullifies the wudu and prayer; hence, when it is done outside of prayer, it portrays a resemblance and is therefore desirable to make wudu.

وغسل ميت وحمله

It is recommended after washing a dead person or after carrying him. The Prophet ((God bless him and grant him peace)) said [Whoever washed a deceased, he should observe ghusl, and whoever carried him should perform wudu].[2]

ولوقت كل صلاة

It is recommended to make wudu for the time of every prayer whether one is in a state of purification or not. Anas ((God be pleased with him)) reported that the Prophet ((God bless him and grant him peace)) performed wudu for every prayer, whether he was pure or not.[3] The Prophet ((God bless him and grant him peace)) also said [For a man who performs ablution in a state of ablution, ten virtuous deeds will be recorded (in his favour)].[4]

وقبل غسل الجنابة

It is recommended prior to the major bath (ghusl). A'ishah ((Allah be pleased with her)) reported that [If the Prophet performed the major bath from *junub*, he began by washing his hands, before placing his hands in the container, then he observed wudu, like the wudu for prayer].[5]

وللجنب عند أكل وشرب ووطء ونوم

It is recommended when a person in a state of major ritual impurity desires to eat, repeat sexual intercourse or sleep. A'ishah ((Allah be pleased with her)) reported ((If the Prophet was in a state of janaba and wanted to eat or sleep, he

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[1] Al-Imran 135.

[2] Abu Dawud; The Book of Funerals 3161.

[3] At-Tirmidhi 58 [Maraky al-Falah 51].

[4] Abu Dawud 62.

[5] Muslim 316.

made wudu, the wudu he would perform for prayer)).[1] The Prophet ((God bless him and grant him peace)) said [If anyone approached his spouse, and then wanted to repeat sexual intercourse, then he should perform wudu between them].[2]

ولغضب

In a state of anger, it is recommended to make ablution. The Prophet ((God bless him and grant him peace)) said ((Anger is from Satan and the Shayatin are created from fire, and verily you extinguish fire with water, so if any of you becomes angry, he should perform wudu)).[3]

وقرآن

It is recommended when one wishes to recite Quran from memory; and as discussed earlier if one intends to touch the Quran, it is compulsory to perform ablution.

وحديث وروايته

It is recommended for the reading of hadith and when narrating it based on the honour it has been given and what it represents.

ودراسة علم

It is recommended for the studying of Sacred knowledge due to its status.

وأذان وإقامة وخطبة

It is recommended for the *adhan* and *iqama* of prayer as well as for a sermon, whether it is a Friday sermon or a sermon on marital relations or other.

وزيارة سيدنا النبي صلى الله عليه وسلم

When visiting the Prophet ((God bless him and grant him peace)) it is recommended to observe wudu.

ووقوف بعرفة وللسعي بين الصفا والمروة

It is recommended when standing on Arafah, and for the running between the *Safa* and *Marwah* in hajj because of the esteem they have been given.

وأكل لحم جزور

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[1] Ahmad 3/21, Muslim 307.

[2] Ahmad in his Musnad 3/21.

[3] Abu Dawud 4766.

After eating camel meat it is recommended to make ablution. The Prophet ((God bless him and grant him peace)) was asked about wudu after eating the meat of the camel, and he said [Make wudu from it].[1] Note: The Hanafi view on this matter is such, so that one is free from the disagreement of the scholars, such as the view of Imam Ahmad who held it as a requirement.

وللخروج من خلاف العلماء كما إذا مس امرأة

It is recommended to make wudu after any act which is subject to disagreement, so that one can be free from the differences of the scholars, such as the touching of a female. Note: touching a female does not nullify wudu, whether she is a believer or not, but in order to avoid the differences of the scholars, it is recommended. In addition, it is preferred to observe wudu if a person touches his private part with the palm of his hand even though this does not break wudu, since Shafi'i, Malik and Ahmad said, "Whoever touches his private part must perform wudu."[2]

نواقض الوضوء

Nullifications Of Wudu

ينقض الوضوء اثنا عشرة شيئا

Twelve things nullify wudu, and they are;

ما خرج من السبيلين، إلا ريح القبل في الأصح

1/ **Anything that exits from the front and back passage nullifies wudu except the air which comes out from the front passage** (of a female) **and this is the most sound view.**

وينقضه ولادة من غير رؤية دم

2/ **Giving birth without seeing blood nullifies ablution.** Imam Abu Yusuf and Imam Muhammad said: "This is not classified as *nifas* (postnatal bleeding) because in order for it to be deemed as such, there must be blood. However, she must make ablution due to the wetness and dampness." Though Abu Hanifa said, "As a precaution she is to perform the major bath." Note: it is rare for a woman to give birth without the sight of blood, though if it does, the wudu breaks.

ونجاسة سائلة من غيرهما كدم وقيح

3/ **The *flowing* of an impurity such as blood or pus from anywhere else other than the two passages nullifies wudu.** Imam Shafi'i maintained that whatever comes out of the body, from other than the two passages, does not nullify wudu. The Hanafi basis is the report of the Prophet (God bless him and give him peace) "Ablution is from all types of flowing blood."[3]

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[1] At-Tirmidhi; the Book of Purification 81.

[2] Maraky al-Falah, 52.

[3] Al-Ayni, vol, 1, 262.

وقيء طعام أو ماء أو علق أو مرة إذا ملأ الفم وهو ما لا ينطبق عليه الفم إلا بتكلف على الأصح

4/ **Vomiting a mouthful of food and water, blood clots or bile nullifies wudu, provided the vomit is a mouthful. And the definition of a mouthful is that the mouth cannot be shut except with difficulty and this is the correct view** and the way of the ten who were promised Paradise and the best of the Tabi'in such as Hassan Al-Basri and Ibn Sirin. It has been established that the Prophet ((God bless him and grant him peace)) vomited and thereafter performed wudu.[1] Indeed, this was the way of the ten promised paradise.[2] Moreover, the Prophet, "Perform wudu from seven things: from the leakage of urine, from all flowing blood, vomit, from *das'a* (a spurt of vomit) which is a mouthful, from sleeping while lying on one's side, the audible laughing in prayer and the emission of blood."[3]

ويجمع متفرق القيء إذا اتحد سببه

5/ **If a person vomits a few times and the cause is the same for each time, then these several occurrences are deemed as one occurrence**, and if the addition of all these occurrences of vomiting equate to a mouth full, then ablution is nullified according to Imam Muhammad,[4] though according to Abu Yusuf, he maintained that if the place where he vomited was the same, then his ablution is void, otherwise it is not. As for the mucus which descends from the head, it is not an annulling factor by agreement of the scholars since it is pure. And the fatwa is in accordance with this.

ودم غلب على البزاق أو ساواه

6/ **If one's saliva is overshadowed by blood** (from an injury in the mouth) **or the blood is even with the saliva,** ablution is void. If one sees that his saliva is red or yellow, then it is regarded as overshadowed. Though it has been said that a light colour of red makes it even whereas a strong colour of red dominates it. In addition, the blood which descends from the head invalidates wudu because it flows even if it is minimal. This is agreed upon. Likewise, the runny blood which rises from the internal area of the body is an invalidator of wudu and the majority held this view.[5]

ونوم لم تتمكن فيه المقعدة من الأرض

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[1] At-Tirmidhi 87.

[2] Maraky al-Falah 54.

[3] Az-Zayla'i fi Nasb ar-Rayya 1/44 and Ibn Hajar fi ad-Darayya 1/33. [Maraky al-Falah 54].

[4] For example, if one vomits a small amount (not a mouthful) because of a stomach virus and then shortly after vomits another time because of the same cause, in this case the virus, then the two occurrences are regarded as one, and if the addition of both equate to a mouthful according to a person's estimation, then wudu is void. If on the other hand this person vomited a second time because of a different reason, such as coughing thereby causing one to vomit, then it is regarded as a separate incident.

[5] Maraky al-Falah 54

7/ To sleep in such a way that one's buttocks are not firmly set on the ground, renders the wudu void. This occurs when a person sleeps while he is in a sitting posture, though his buttocks are not firmly fixed, resulting in the nullification of wudu.

Maraky al-Falah states: According to the Hanafis, the sleep itself does not invalidate wudu owing to the fact that it is not impurity; rather it is due to the sleeping person not being able to remain free from that which breaks wudu. This is the sound view concerning the issue contrary to Shafi'i and Hanbal. Likewise, if one undertakes a light sleep in a manner that one hears those who speak around him, then the wudu remains sound. Though if one does not hear, then wudu is void.[1]

Moreover, in the Hanafi school, wudu is rendered void by sleep in three cases: to sleep on one's side, back or one of the hips. The reason wudu is void is because one is not firmly set due to the relaxation of the muscles and joints. As for sleeping in the sitting posture where the buttocks are firmed set on the ground, then the wudu remains sound. Likewise, one's wudu remains sound despite sleeping in a standing posture, bowing posture or a proper prostration pose (as done in prayer), because in these postures, one is flexing or gripping his body (*though if one's body collapses in any of these postures, the wudu is void).* The proof that sleep does not invalid wudu except while lying down is the saying of the Prophet (God bless him and grant him peace) "Wudu is not imposed except on the one who sleeps lying down; for if one lies down, his joints and muscles relax."[2] Abu Hanifa compared this to the postures of lying down on the back or hips, because the cause of deficiency is found and it is the relaxation of the joints which is present in both positions.[3]

وارتفاع مقعدة نائم قبل انتباهه وإن لم يسقط في الظاهر

8/ The elevation of one's buttocks from the floor while one is sleeping and before one becomes aware, nullifies the wudu even if one does not fall over. And this is the evident view in the Madhhab on the basis that as soon as the buttocks are elevated in a state of unawareness, ablution is nullified.

وإغماء وجنون وسكر

9/10/ Losing consciousness (fainting) / temporary insanity / and drunkenness all nullify wudu.

وقهقهة بالغ يقظان في صلاة ذات ركوع وسجود ولو تعمد الخروج بها من الصلاة

11/ Ablution is void if a mature conscious person laughs loudly in a prayer that includes bowing and prostration even if he intentionally laughs in order to leave the prayer. The same applies even if done forgetfully. **With respect to audible laughing;** it is that which is heard by those around the individual. Though Imam

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[1] Maraky al-Falah 55.
[2] Abu Dawud, Tirmidhi, Ahmad in his Musnad, and Tabarani.
[3] Kitab al-Fiqh 'Ala Madhahib al-Arba'a, Abdur-Rahman al-Jaziri vol.1, 74-75.

Shafi'i disagrees with the ruling on the basis that it is not something that comes out in the form of filth and is therefore not deemed as minor impurity in the case of the funeral prayer and the recital prostrations. The Hanafi School held that the funeral prayer does not consist of bowing or prostration which means audible laughing in it, renders the prayer void though not the wudu. This is however, contrary to a complete prayer that includes bowing and prostration (in which case the wudu and prayer is void).[1] Note: smiling in prayer does not affect wudu or prayer.

ومس فرج بذكر منتصب بلا حائل

12/ **If a man rubs a vagina with his erect penis *without* a screen (or cover)** which prevents the warmth of the body, ablution is void. The implication here is rubbing, not penetration because if it is penetration then he will have to undertake the major bath if the head of his penis disappears in the vagina. And Allah knows best. Likewise, if a man with his erect penis touches another man's penis without a covering or a woman with her genitalia touches another woman's genitalia with sexual excitement and without a covering, ablution is void.[2] Note: such acts are offensive and forbidden in the Islam, though the position of the jurist is to provide a legal answer for a scenario should it ever occur.

فيما لا ينقض الوضوء

That Which Does Not Nullify Wudu

عشرة أشياء لا تنقض الوضوء

There are ten things that do not nullify wudu;

ظهور دم لم يسل عن محله

1/ **The appearance of blood that does not flow from its injury** onto another part of the skin does not break wudu.

وسقوط لحم من غير سيلان دم كالعرق المدني الذي يقال له : رشته

2/ **If a piece of flesh or scab is separated from the body without the flowing of blood from its place, then it does not break wudu.** The flesh or skin is pure and its separation does not require purification provided there is no oozing of blood. **An example is a *'Madina blood vessel'* that is termed *'rashta'*** in Persian. It is attributed to the Madina of the Prophet because it was very common to them. A *rashta* is like a polyp or a piece of flesh that hangs off the skin; it is also identified as a pimple or blister upon the skin. If it is separated from the body without the flowing of blood, then the ablution remains sound.

وخروج دودة من جرح وأذن وأنف

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[1] Maraky al-Falah 55.

[2] Maraky al-Falah 56.

3/ **If a worm exits a wound, or exits from the ear or nose, it does not break wudu** on the basis that it is not deemed filthy due to its very minimal dampness. However, if it exits through the anus, ablution is nullified. Hence, it is deemed as something that breaks ablution when it exits from the two passages, though this excludes all other locations.

ومس ذكر

4/ **Touching one's penis**, anus or a woman's genitalia, does not nullify wudu. This was the Madhhab of some of the great Companions such as Umar, Ali, Ibn Mas'ud, Ibn Abbas and Zaid ibn Thabit as well as some of the great Tabi'in such as al-Hasan al-Basri, Sa'id and Thawr ((God be pleased with them all)). The basis for this view is the hadith that a man came to the Prophet ((God bless him and grant him peace)) and said, "O Messenger of Allah. What do you say about a man who touches his genitals in prayer?" Thereupon the Prophet said to him, "Is it not a body part from you."[1] And Imam Tirmidhi said about the above hadith that it is the best hadith on the subject and the most sound. However, touching one's genitals requires the washing of the hands as the Prophet said, "Whoever touches his genitals is to observe wudu."[2] Scholars said that the term wudu in this hadith is meant in its linguistic sense, which is to wash the hands.[3]

ومس امرأة

5/ **Touching a woman** does not nullify wudu. A'ishah ((Allah be pleased with her)) reported [The Prophet would fondle (and kiss) some of his wives, and then would pray without making wudu].[4]

وقيء لا يملأ الفم

6/ **Vomiting less than a mouthful** is not an annulling factor.

وقيء بلغم ولو كثيرا

7/ **Vomiting phlegm (saliva) does not nullify wudu even if it is more than a mouthful** because it has not mixed with any filth, and saliva is pure.

وتمايل نائم احتمل زوال مقعدته

8/ **To sway while sleeping where there is a possibility of falling does not break wudu.** Meaning, if one is sitting upright with the buttocks on the ground, then the swaying does not affect the wudu because the buttocks are firmly placed on the ground. The Companions of the Prophet ((God bless him and give him peace)) would wait for the *'isha* prayer until their heads drifted (sunk), then they prayed and did not perform wudu).[5]

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[1] At-Tirmidhi [Maraky al-Falah 57].

[2] Musnad Ahmad 4/22, Abu Dawud, Tirmidhi | Radd al-Muhtar vol, 1/278.

[3] Radd al-Muhtar vol, 1/278.

[4] At-Tirmidhi and an-Nasai 165.

[5] Abu Dawud 200

ونوم متمكن ولو مستندا إلى شيء لو أزيل سقط على الظاهر فيهما

9/ Sleeping in a firm manner is not an annulling factor, even if one is leaning on a support, where he will fall over if it is removed; and this is the soundest view in the school of Abu Hanifa with respect to this ruling and the ruling in point eight. The description of this posture is to sleep seated upright while the buttocks are firmly positioned on the ground.

ونوم مصل ولو راكعا أو ساجدا على جهة السنة والله الموفق

10/ Sleeping in prayer (*does not break ablution*) even if one sleeps during bowing and prostration provided the person maintains his posture according to the sunna. However, if one's posture is no longer according to the sunna, such as one's arm collapsing upon the rib area and ground, the wudu is invalid. The Prophet ((God bless him and grant him peace)) said [Ablution is not compulsory on one who sleeps sitting or standing or prostrating until he falls on his side].[1] Therefore, if one falls on his side, relaxation of his joints has occurred thus rendering the wudu void. The same rule applies outside of prayer; that is, wudu remains sound if one falls asleep in these postures.[2]

فصل في ما يوجب الاغتسال

That Which Obligates The Major Bath (Ghusl)

يفترض الغسل بواحد من سبعة أشياء

The major bath is compulsory if one of the following occurs:

خروج المني إلى ظاهر الجسد إذا انفصل عن مقره بشهوة من غير جماع

1- The discharge of sperm to the surface of the body obligates the major bath provided it separates from its location due to sexual arousal, not sexual intercourse. This can occur due to a sexual dream or fantasizing, and applies to both male and female. If however, one is struck in the back and consequently discharges sperm, he is not required to perform the major bath because it was not due to sexual arousal. According to Shafi'i, the emergence of seminal fluid, in whatever way this occurs, leads to the obligation of bathing due to the saying of the Prophet [Water is from water]; that is, bathing is due to the discharge of semen.[3] The Hanafi proof is that purification is invoked by sexual impurity [*janaba*] and sexual impurity is the ejaculation of semen through sexual desire. The hadith mentioned by the Prophet that "*Water is from water,*" is interpreted to mean ejaculation by way of sexual desire.

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[1] At-Tirmidhi and al-Bayhaqi.

[2] Maraky al-Falah 58.

[3] Al-Hidaya 21.

Maraky al-Falah states: the Hanafi school maintains that it is conditional for sexual desire to be present when the seminal fluid separates from its location, though it is not conditional that the sexual desire persist until the fluid exits the body, contrary to Abu Yusuf (*who maintained it is conditional for the desire to be present when the seminal fluid exits the body*). Therefore, according to Abu Hanifa and Muhammad, this means that if one holds or squeezes his penis until the sexual desire subsides and fades away, and then some time after this – seminal fluid comes out, then one is required to undertake the major bath, though Abu Yusuf says that he is not required to do so; and the legal ruling [*fatwa*] is in accordance with Abu Yusuf's view.[1]

Equally, if one has a bath after which the rest of the seminal fluid exits before one has urinated, slept or walked many steps, then one is required to perform the major bath again according to Abu Hanifa and Muhammad, contrary to Abu Yusuf (*who maintains that it must exit the body with sexual desire present at such time*). If however, the seminal fluid exits after urinating and after one's penis comes to rest or after sleeping or walking many steps, then the bath is not required again, an issue they agreed upon.[2]

وتواري حشفة وقدرها من مقطوعها في أحد سبيلي آدمي حي

2- **If the head of the penis disappears in one of the passages of a living human being** (vagina or anus); **the major bath becomes compulsory** on both persons. **And the size of the head is from the section that was removed in circumcision** (i.e. it is the head of a living man's penis). The Prophet ((God bless him and give him peace)) said [When the private parts [of the male and female] cohabit with each other and the penis disappears in the vagina, bathing becomes obligatory (for both the male and female)].[3] The Prophet also said [When the private parts meet and the penis disappears, bathing becomes obligatory irrespective of discharge].[4]

وإنزال المني بوطء ميتة أو بهيمة

3- **The discharge of sperm due to intercourse with a dead person or animal** obligates the major bath. Note: if no sperm is discharged, one is not required to observe the major bath because the desire was one sided.[5]

ووجود ماء رقيق بعد النوم إذا لم يكن ذكره منتشرا قبل النوم

4 - **If a person after waking up finds the presence of thin liquid** (and cannot remember a dream); **the major bath is obligatory provided his penis was *not* erect before sleeping.** If, on the other hand, the penis was erect prior to sleeping, it is in all likelihood *madhi*, and *madhi* does not require the major bath.

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[1] Maraky al-Falah 59-60.

[2] Maraky al-Falah 59-60 | Radd al-Muhtar vol, 1/297 - Third Edition, Dar al-Kutub al-'Ilmiyya.

[3] Ibn Majah 611.

[4] Al-Ikhtiyar 20 / Al-Bayhaqi in Sunan al-Kubra 1/141.

[5] Note: although such unlawful and offensive acts may never occur, they rarely do and it is the duty of a jurist to provide a solution.

ووجود بلل ظنه منيا بعد إفاقته من سكر وإغماء

5- If a person finds the presence of wetness after regaining consciousness or after recovering from intoxication and believes it to be sperm, then he is required to undertake the major bath.

وبحيض ونفاس

6-7- When a female's menstrual periods or postnatal bleeding ends, it is compulsory for her to perform the major bath.

ولو حصلت الأشياء المذكورة قبل الإسلام في الأصح

And even if the aforementioned things (such as menses or seminal discharge) **occurs prior to becoming a Muslim,** one must still perform the major bath after embracing Islam and this is the correct view. The reason being is that the trait of major impurity [*janaba*] remains even after becoming Muslim, and it is not possible to meet the conditions of prayer or the funeral prayer, the prostration of recitation or the touching of Quran unless the major bath is performed. Hence, it is obligatory to perform it given that one is Muslim and required to be pure when he wants to pray or perform other acts of worship that require purity, as Allah mentioned in the verse of wudu. If however, one becomes Muslim, though was not in a state of major impurity when he was an unbeliever, then the major bath is recommended upon becoming Muslim.[1]

ويفترض تغسيل الميت كفاية

It is a communal obligation [*fard kifaya*] to bath a deceased Muslim. If however no one performs this task, then the sin falls upon the entire community.

في ما لا يجب الاغتسال منه

That Which Does Not Obligate The Major Bath

عشرة أشياء لا يغتسل منها

There are ten things a person is not required to perform the major bath from:

مذي وودي

1- Madhi (non-sperm male discharge also known as Cowper's fluid - which is the name of the gland from which the fluid originates; and known in general terms as pre-cum). It is a white, thin, sticky fluid that is released from a man's penis when he is aroused. The fluid is released long before man reaches an orgasm. Such arousal is due to passionate or romantic play or kissing. Moreover, the fluid that exits from a female due to amorous play is termed *kadhi*.[2]

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[1] Maraky al-Falah 61 / Al-Fiqh al-Islamy, Ibrahim al-Silkini 103.

[2] Maraky al-Falah 60, ft-4.

2- **Wadi** (non-sperm male discharge) is describes as a white cloudy fluid that is thick and warm and has no smell. It is released generally after urinating and occasionally before.

واحتلام بلا بلل

3- The major bath is not compulsory, **if one has a sexual dream** but **finds no wetness** upon awaking. And the females are like the males due to the words of the Prophet who was asked: "Does a woman need to perform ghusl if she dreams?" There upon the Prophet said "Yes, if she dreams and sees the fluid."[1]

وولادة من غير رؤية دم بعدها في الصحيح

4- **Giving birth without visible blood** does not obligate the major bath, since it is not regarded as post natal bleeding [*nifas*]. Abu Hanifa maintained that as a precaution she should perform ghusl on the basis that giving birth cannot be free from a small amount of noticeable blood.

وإيلاج بخرقة مانعة من وجود اللذة

5- **If a man inserts his penis** in a woman's vagina, **but there is a cloth** (or clothes) **that prevent the feeling of sexual pleasure**, the major bath is not compulsory. It is however, recommended to undertake the major bath as a precautionary measure.

وحقنة

6- **Administrating medicine in the anus** (such as a suppository) does not require the bath.

وإدخال إصبع ونحوه في أحد السبيلين

7- **Inserting a finger or something like it into the vagina or anus does not require the major bath**, and this is the opted view on the matter given the deficiency of sexual desire.

ووطء بهيمة أو ميتة من غير إنزال

8 / 9- **Having sexual intercourse with an animal or a deceased women without discharging semen**, does not obligate the major bath.

وإصابة بكر لم تزل بكارتها من غير إنزال

10- **If a male penetrates a virgin, though he does not break her hymen and does not discharge semen**, the major bath is not compulsory. Note: we said earlier that if the head of the penis penetrates a woman, that it obligates the major bath, but in this case, the fact that her virginity remained intact confirms that the circumcisable parts did not meet in a manner that would require the major bath and that her hymen prevented the meeting of the private parts.[2]

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[1] Bukhari 282.

[2] Maraky al-Falah 62.

في بيان فرائض الغسل

<u>*That Which Is Compulsory To Wash*</u>

يفترض في الاغتسال أحد عشر شيئا

It is compulsory to wash eleven things during the major bath;

غسل الفم والأنف والبدن مرة

Washing the mouth, nostrils and the entire body once, is obligatory in the major bath because Allah said in the Quran [If you are in a state of ceremonial impurity, bath your whole body].[1] This is a clear command requiring the washing of the entire body which includes the nose and mouth, though not the inner part of the eyes. Imam Shafi'i on the other hand disagreed with respect to the mouth and nostrils in the major bath saying that these are its *sunan* due to the words of the Prophet ((God bless him and give him peace)) who said [Ten things are part of *fitra*, and he mentioned from among them the gargling and the rinsing of the nostrils].[2] Additionally, the reason the gargling and rinsing the nostrils are not obligatory in wudu, but are in the major bath is because in the verse concerning wudu, we are ordered to wash the face which excludes the nostrils and mouth.

وداخل قلفة لا عسر في فسخها

It is obligatory to wash the inner area of the foreskin (that is usually removed when circumcised) **provided it can be opened** or unwrapped **without difficulty**. If there is difficulty, the requirement is lifted.

وسرة وثقب غير منضم

To wash the inner part of the navel is obligatory. Likewise, to wash an opening (such as a hole or slot) **in the body that has not sealed is obligatory.** One should be gentle and not exert hardship upon himself.

وداخل المضفور من شعر الرجل مطلقا

It is obligatory for a man to undo his braids and wash the inside. And he is to do this every time he undertakes a major bath. And even if the water reaches the root of his hair while it is tied, it is not valid; he must undo his braids and allow water to reach the roots. This is because a man does not receive a dispensation based on beautification, although the woman does.[3]

لا المضفور من شعر المرأة إن سرى الماء في أصوله

[1] Al-Maida 6.

[2] Recorded by all the sound compilations except Bukhari. [Al-Hidayah 19].

[3] Maraky al-Falah 63.

However, a female is not required to open her braids – provided the water reaches the roots as is agreed upon, due to the hadith [Umm Salama who asked the Prophet, "Apostle of Allah, I am a woman who keeps her hair closely plated. Should I undo it when I wash after sexual relations?" He replied, "It is enough for you to throw three handfuls over it, then pour water all over your body and you will be purified."[1] One of the reasons for this as experts have explained is due to hardship in undoing and redoing the hair that consumes a very long time.

وبشرة اللحية وبشرة الشارب والحاجب والفرج الخارج

It is obligatory to **wash the skin underneath the beard, moustache, eyebrows, as well as the immediate inner part of the outer lips of the vagina,** not the internal area.

في بيان سنن الغسل

The Sunan Of The Major Bath

يسن في الاغتسال اثنا عشرة شيئا

Twelve things are sunna in the major bath and they are;

الابتداء بالتسمية والنية

It is sunna to start by uttering, "In the name of God, Most Merciful, Most Compassionate [*tasmiyya*]," and to make one's intention. Note: just as a person is rewarded for having an intention in wudu, the same applies to bathing. With respect to the *tasmiyya*, the Prophet said, "Every important matter that is not commenced with the name of God, is devoid of divine blessing,"[2] and the *tasmiyya* should coincide with the intention, so that the *tasmiyya* is on the tongue and the intention is in the heart.

و((بكونان مع)) غسل اليدين إلى الرسغين

One is to commence the actions with the washing of the hands to the wrists. Therefore, the *tasmiyya* and intention are to be observed with the washing of the wrists. A'ishah ((God be pleased with her)) reported that ((If the Prophet ((God bless him and grant him peace)) performed the major bath from janaba, he began with washing his hands)).[3]

وغسل نجاسة لو كانت بانفرادها

It is sunna to wash away any impurity if it is isolated on the body. The sunna is to wash it off before it dries so that one feels content that it has been removed.

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[1] Abu Dawud 251.

[2] Ibn Majah 1894.

[3] Muslim 316.

وغسل فرجه

To wash the sexual organs is sunna even if there is no noticeable impurity; this is so that one feels content that water has reached the section of the body that connects with the private part when one is standing and disconnects when one is seated.[1]

ثم يتوضأ كوضوئه للصلاة فيثلث الغسل ويمسح الرأس

It is sunna to perform ablution, such as the ablution one makes for prayer, washing the parts of ablution three times including the wiping of the head. Ibn Abbas ((Allah be pleased with him)) reported on the authority of Maimuna, his mothers sister, that she said [I placed water near the Messenger of Allah so that he could take a bath from sexual intercourse, in which he washed his hands twice or three times and then put his hand in the basin and poured water over his private parts and washed them with his left hand. He then struck his hand against the earth and rubbed it and then performed wudu upon which he washed his whole body after which he moved aside from that place and washed his feet].[2]

ولكنه يؤخر غسل الرجلين إن كان يقف في محل يجتمع فيه الماء

One is to delay the washing of his feet if he is bathing in a place where the water gathers and rises, for this is what the Prophet did ((God bless him and grant him peace)).

ثم يفيض الماء على بدنه ثلاثا ، ولو انغمس في الماء الجاري أو ما في حكمه ومكث فقد أكمل السنة

After this, it is sunna to pour water on the entire body three times, or one may submerge himself in running water or anything else of similar legal status such as a large quantity of water. If one remains in such water for a short duration, then he has fulfilled the sunna.

ويبتدىء في صب الماء برأسه ويغسل بعدها منكبه الأيمن ثم الأيسر

One is to begin the process of washing by pouring water over the head, followed by the right shoulder, then the left shoulder.

ويدلك جسده ويوالي غسله

It is sunna to rub the body with the water [*dalk*] **and to wash successively** without pausing between the actions.

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[1] Maraky al-Falah 65.

[2] Muslim 317.

آداب الاغتسال ومكروهاته

The Etiquettes And Disliked Actions Of Ghusl

وآداب الاغتسال هي آداب الوضوء إلا أنه لا يستقبل القبلة لأنه يكون غالبا مع كشف العورة

The etiquettes of the major bath are the same as that of wudu. The exception is that in the major bath, one is not to face the qibla because one is naked almost always. It is recommended that a person undertake the major bath in a place where no one can see him. The Prophet ((God bless him and grant him peace)) said [God is Ever Living and Ever Concealed from the eyes of the people, and He likes those who acquire the qualities of modesty and concealment; so when anyone of you wants to bath, let him observe secrecy].[1] Maraky al-Falah explains that when a man is bathing alongside other men and does not find the chance to observe secrecy, then he is to choose a place that is the least exposed. This also applies to a woman who bathes alongside other women. The sin is upon the onlooker if another person has uncovered his private part to bath.

وكره فيه ما كره في الوضوء

And that which is disliked in ablution is disliked in the major bath with the exception that it is disliked to speak, even if it is supplication, because the private parts are exposed.

فصل في الأغسال المسنونة، والمندوبة

When Ghusl Is Sunna And Recommended

الاغسال المسنونة

Occasions When Ghusl Is Sunna

يسن الاغتسال لأربعة أشياء

It is sunna to perform the major bath for four occasions;

صلاة الجمعة

1- **Friday prayer** because it is the greatest of days. The Prophet ((God bless him and grant him peace)) said [The greatest of days is Friday].[2]

وصلاة العيدين

2- **The Eid prayers**. The Prophet ((God bless him and grant him peace)) would perform the major bath on the day of Fitr, Adha and Arafah.[3]

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[1] Abu Dawud.

[2] Ahmad 33/430.

[3] Ibn Majah 1316.

وللإحرام

3- It is sunna **for the ihram**, which is the state of sanctification that one enters for hajj and umrah as the Prophet performed ((God bless him and give him peace)).[1]

وللحاج في عرفة بعد الزوال

4- It is sunna **for the one performing hajj to bath** ***at Arafah after the sun passes the meridian*** (i.e. when the dhuhr time enters). This is specific for the one performing hajj, not others.

الاغسال المندوبة

The Occasions When It Is Recommended

ويندب الاغتسال في ستة عشر شيئا

It is recommended to perform the major bath on sixteen occasions;

لمن أسلم طاهرا

1- The major bath is recommended **for a person accepting Islam while free from major ritual impurity** [*janaba*], such as menstrual periods and postnatal bleeding. The reason the major bath is recommended in this case is to ensure they are free of any traces of that which may have been previously.[2]

ولمن بلغ بالسن

2- It is recommended for **one who matures by age**; and according to the adopted view in the Hanafi Madhhab, the maximum age is fifteen years for both sexes. Therefore, one who has not yet experienced a nocturnal dream or a girl who has not yet received a menstrual period is regarded mature at the age of fifteen. See the previous chapter: *Conditions That Obligate Wudu.*

ولمن أفاق من جنون

3- It is recommended for **a person who recovers from insanity** and fainting.

وعند((الفراغ من)) حجامة

4- It is recommended **after** ***hijamah***, commonly termed cupping. The basis is the Prophets hadith on the matter ((God bless him and give him peace)). Note: *hijamah* is when tiny cuts are made to the skin after which blood flows.

وغسل ميت

[1] At-Tirmidhi, the Book of Hajj 830.

[2] Maraky al-Falah 68.

5- **After washing a dead body.** Note: The scholars disagreed on this point and point four, but in order to remove oneself from the differences of the scholars, one is recommended to perform *ghusl* in these circumstances. The Prophet ((God bless him and give him peace)) would perform the major bath from four things: *janaba* (sexual impurity), the Friday prayer, *hijamah* (cupping) and from washing a deceased.[1]

وفي ليلة براءة

6- **On the night of *Bara-ah (Immunity)*.** This night occurs in the middle of the month of Sha'ban.

وليلة القدر إذا رآها

7- It is recommended **on the night of *Qadr* (Power) if one witnesses it** or realises it through the knowledge transmitted. From its signs are that it is bright, neither hot or cold and at the break of dawn, the sun rises without rays. It occurs on an odd day in the last ten days of Ramadan from the 21st to the 29th. This being the case, it is desirable to spend the last ten nights of Ramadan in worship as the Prophet did until he passed ((God bless him and grant him peace)).

ولدخول مدينة سيدنا النبي صلى الله عليه وسلم

8- **Upon entering the Madina of the Holy Prophet,** it is recommended to bath due to the high status it has been given, and due to arriving in the Prophet's presence ((God bless him and grant him peace)).

وللوقوف بمزدلفة غداة يوم النحر

9- It is recommended **for the standing in Muzdalifah at dawn time on the day of Sacrifice** (which is the 10th of Dhul Hijjah)

وعند دخول مكة لطواف الزيارة

10- **When entering Makkah for *Tawaf az-Ziyarah*** (a pillar of hajj), it is recommended to perform the major bath. This also applies for tawaf in general, for the reason that a person should perform the tawaf with complete purity.[2]

ولصلاة كسوف (الشمس وخسوف القمر، لأداء سنة صلاتها)

11/12- For **the prayer of a solar and lunar eclipse,** it is a desirable and recommended practice.

واستسقاء

13- **When seeking rain.** This is essentially seeking forgiveness from Allah, and the prayer or request is to be performed in utmost purity.

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[1] Abu Dawud 348.

[2] Maraky al-Falah 69.

و((لصلاة من)) فزع وظلمة وريح شديد

14/15/16- **It is recommended for the prayer arising from fear, overwhelming darkness** in the day or due to the presence of **strong wind**, whether it occurs at night or in the day because Allah has ruined nations such as the nation of *Ad* with destructive wind. It is also recommended when one has repented from his sins and when returning from travel. It is also recommended to perform the major bath when one has been struck with filth [*najasa*] and its location or spot is hidden, in which case one it is recommended to wash his entire body and clothes as a precaution.[1]

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باب التيمم

Tayammum

Lexically, tayammum means *"purpose and intention."* According to the scholars of jurisprudence, tayammum is *the wiping of the face and hands on soil which is pure.* Tayammum is something specifically for Islam that was not introduced in any previous laws before it. The proof for its legality is Allah's saying [*And if you find no water, then take for yourselves clean sand or earth and rub therewith your faces and hands. Allah does not wish to place you in difficulty*].[2] This proof indicates the ease of the religion; for previous to this in the earlier religions prior to Islam, one's responsibility entailed many instances of hardship that could not be tolerated except one whose intent was resolved in achieving its target. However, with the advent of Islam came teachings that would not disconnect the servant from his and leave in him disconnected from the Lord of mankind. Allah says [On no soul does God place a burden greater than it can bear].[3] Elsewhere, He says [Our Lord! Lay not on us a burden greater than we have the strength to bear].[4]

Indeed, the act of prayer, touching the Quran, tawaf and similar examples are acts of worship that cannot be valid without wudu. However, the Sacred Law allowed tayammum as a substitute for water during its absence or when one is unable to use the water. This was done so that the servant would not be barred from undertaking in the acts of worship or receiving its benefit and reward.[5]

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[1] Maraky al-Falah 69.

[2] Al-Maida 7.

[3] Quran 2:286.

[4] Quran 2:286. | Nur al-Idah 44.

[5] Al-Fiqh al-Islamy, Ibrahim as-Salkini 114.

شروط صحته

<u>Conditions That Validate Tayammum</u>

يصح التيمم بشروط ثمانية

There are eight conditions that one must fulfil;

الأول : النية وحقيقتها عقد القلب على الفعل ووقتها : عند ضرب يده على ما يتيمم به

1- **The first condition that validates tayammum is the intention; and its reality is to have a firm resolve in the heart upon the action. The time for the intention is when one places his hands upon the substance he intends to make tayammum with.** Note: the reason the intention is conditional in tayammum as opposed to wudu is because the essence of the soil is physically unclean and is not deemed a purifier for other things except it times of necessity. Therefore, if one wipes his face with sand for example, he will not distinguish whether it is unclean or purifying except by his intention. In other words, the soil does not act as a purifier except with an intention. It is therefore conditional for the performance of tayammum. In relation to wudu, it is valid without an intention because the essence of the water is pure; and is purifying for other things. It was created as a purifier, though this is not the case with soil.[1] Note: the stipulation of an intention is agreed upon according to all four jurists except Zufar the student of Abu Hanifa. Zufar held that it is not obligatory because it is a substitute for wudu and should not contradict its attributes.

وشروط صحة النية ثلاثة : الإسلام والتمييز والعلم بما ينويه

- **There are three conditions that validate the intention:**

a) **that one be Muslim.** Tayammum is not applicable to non-believers.

b) **that one possess the ability to differentiate** and discriminate so that he comprehends what he says. This condition entails one's sanity.

c) **that one have knowledge of what he intends.**

ويشترط لصحة نية التيمم للصلاة به أحد ثلاثة أشياء

To validate one's intention of tayammum <u>for ritual prayer</u>, it is conditional to satisfy <u>one</u> of three things;

إما نية الطهارة

I) **that one intends purification** from his unclean state. This means that to intend purification alone suffices for prayer, since purity is legally the key to prayer and it is a condition that validates prayer. And even if one is in a state of janaba (major ritual impurity), intending purification alone suffices.

[1] Maraky al-Falah 71 | Nur al-Idah 44.

أو استباحة الصلاة

II) **that one intend** (the tayammum) **to make prayer permissible for himself.** Meaning, if a person intends tayammum to make prayer lawful, it is a valid intention for prayer because its permissibility lifts the status of impurity.

أو نية عبادة مقصودة لا تصح بدون طهارة

III) **that one intend** (the tayammum to perform) **a specific act of worship, an act which requires purity.** For example, the recital prostration requires one to be in a state of purity in order to perform it; this means that if a person intends tayammum so he can carry out the prostration of recital, then this is a valid intent for prayer because purity is achieved by intending that act. Another example is that of a person who says, *"I intend tayammum for the prayer of janaza"* and it is known that the prayer of *janaza* is an act that one must be pure for. Therefore, by intending the prayer of *janaza* in one's tayammum, one may also offer prayer with this intent. Thus, if a person intends in their tayammum a specific act which requires purity, then one is also permitted to pray with that intention.

فلا يصلي به إذا نوى التيمم فقط أو نواه لقراءة القرآن ولم يكن جنبا

A person cannot pray if he *only* intends tayammum. Purity must be factored in the intention in some form, as shown in the above valid intentions for prayer. **And neither can a person pray if he intends the recitation of Quran, yet he is *not* in a state of major impurity** *(janaba).* Meaning, this person is in a state of minor impurity and intends tayammum for the recitation of Quran, not to touch it. In his case he is already permitted to recite the Quran. Another reason is that mere recitation of Quran in his case does not place one in legal purity.

Note: if one is in a state of sexual impurity [*janaba*] and intends tayammum for the recitation of Quran, then it is a valid intention since recitation is part of prayer (and one of its pillars). Though if one intends tayammum to touch the Quran, or enter a mosque, then he cannot offer prayer with either of these intentions because they are not from the pillars of prayer. Likewise, intending tayammum to visit a cemetery or to offer the adhan and iqama are not valid according to the majority of Hanafi scholars. Moreover, Abu Yusuf held that if one intends tayammum for the purpose of entering Islam, it serves as a valid intent for prayer given that it is the peak of attaining nearness to God. However, Abu Hanifa and Muhammad maintain that it is not valid and this is the soundest view. Also, if one intends tayammum for the prostration of gratitude [*sajda ash-Shukr*], there are varying views on the issue.[1]

[1] Maraky al-Falah 72.

For the purpose of clarity, the Hanafis stipulate three conditions in order for the intention of tayammum for prayer to be valid. One must intend one of three things: **the first** is to intend purification from one's impure state. In this stipulation, one does not have to specify his condition, whether it be major or minor impurity, for intending purification alone is sufficient. **The second** is to intend prayer to be lawful for oneself or to lift one's impurity. **The third** is to intend a specific act of worship that requires purification (an act that cannot be valid unless one is pure) such as prayer, the prostration of recitation or the funeral prayer. If one merely intends tayammum without consideration of one of the above, then prayer is not valid with such an intention. Furthermore, Imam Shafi'i held that one is required to intend tayammum to perform the obligation and that without an intention offering the obligation, it is not valid. According to this view, if one intends in his tayammum, a non-obligatory prayer or an optional prayer, it does not validate the obligatory one. If one intends the obligatory prayer, then it serves as a valid intention for the optional one. However, in performing tayammum for an obligatory prayer, one must intend its being obligatory; though not need specify whether, for example, it is the noon prayer of the mid-afternoon prayer.[1]

Summary Diagram

Intention is conditional for tayammum and is required at the time one strikes the earth.

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However, in order for this intent to be valid, one must be Muslim, sane and have knowledge about what he intends.

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With respect to the intention for ritual prayer, one must intend one of three things in order for his tayammum to be correct for prayer and they are: a) the intention of purification, b) the intent to make prayer permissible for oneself and c) to intend an act of worship that originally requires purity, in which case – this will be sufficient for prayer.

[1] Al-Fiqh al-Islamy, Ibrahim as-Salkini 116 | Reliance of the Traveller 90.

الثاني : العذر المبيح للتيمم كبعده ميلا عن ماء ولو في المصر

2- The second condition that permits tayammum is: **one must have a valid reason such as being separated from water the distance of a mile,**[1] **even though one is in the city.** If one is at a distance that is less than a mile, he must go for water. This stipulation holds that there be a valid reason such as the absence of water. However, this absence is split into two types; the first is the real absence and the second type is the legal absence. *The real absence* is defined as the actual water not being available or found by the impure person, due to being separated from it the distance of a mile. According to the Hanafis, one is to seek water if it is near-by or there are people present who may be asked or one has a predominant view it is present in a locality based on evidence such as birds or a fruit tree. If this is not the case, one is not required to seek it. What is considered in this case is one's predominant belief. *The legal absence* is defined as follows; the water is available, though one has no ability to use it because he may contract an illness by using the water or that one's illness will become aggravated or delayed. Another reason is fear from a predator or another human or fear for one's possessions or trusts. In addition is the absence of an instrument by which to extract water from a well or another source; or fear of thirst or death upon oneself, companions or beast and so forth.[2]

وحصول مرض وبرد يخاف منه التلف أو المرض وخوف عدو وعطش واحتياج لعجن لا لطبخ مرق

ولفقد آلة وخوف فوت صلاة جنازة أو عيد ولو بناء

Other reasons include; **contracting an illness** fearing that it will aggravate one's condition or delay the recovery time, or cause fever and diarrhea; **or it is so cold that one fears harm to life or limb or that he will become seriously ill** from the use of the water, **or one fears an enemy** which he may encounter in the search of water. A person may fear for himself, goods, or trusts that he has in his possession.

Likewise, the fear of thirst or needing the water to make dough, for baking bread is a valid reason. This may be due to a necessity of not having food, in which case one may use the water for the dough and perform tayammum, **though one cannot use this water for soup** because there is no necessity for it. **And the absence of an**

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[1] Being separated from water means to be separated from a quantity of water that is sufficient for wudu; and in relation to the distance of a mile, Maraky al-Falah 72 states that one mile equates to 4000 arm lengths [*dhira*], which is equivalent to 1866 metres. Other Hanafi sources maintain that it is equivalent to the distance of 1848 metres [Al-Fiqh al-Islamy, Ibrahim as-Salkini 117], while the international established measure nowadays is 1852 metres. However, it is in all likelihood that this mile is in reference to a nautical mile which is a unit of length, because the normal (statute) mile equates to 1609 metres and the Hanafi sources have not mentioned this figure. A nautical mile was developed from the geographical mile. It corresponds approximately to one minute of latitude along any meridian. It is a non-SI unit especially used by navigators in the shipping and aviation sector.

[2] Al-Fiqh al-Islamy, Ibrahim as-Salkini 117-118.

instrument to extract water such as a rope or bucket is deemed a valid reason for making tayammum. **Additionally, if one fears he will miss the Funeral or Eid prayer, then he is to make tayammum. And even if one begins the** (Funeral or Eid prayer) **with the imam and then** inadvertently **breaks wudu, he is permitted to renew tayammum and complete the same prayer.** Ibn Abbas ((God be pleased with him)) reported [If the funeral prayer came suddenly and you feared you would miss it, pray it with tayammum].[1] The reason tayammum is permitted for these prayers based on the fear of missing them is because if they are missed, they cannot be made up later.

وليس من العذر خوف فوت الجمعة والوقت

It is not a valid reason if one fears he will miss the Friday prayer or the time of an obligatory prayer because the Friday prayer has a substitute, namely the *dhuhr* prayer and the obligatory prayer can be made up as *qada*.

الثالث : أن يكون التيمم بطاهر من جنس الأرض كالتراب والحجر والرمل لا الحطب والفضة والذهب

3- **The third condition requires that it be from a pure earth substance, such as soil, stone and sand** as well as gypsum, limestone, kohl, clay and arsenic according to the Abu Hanifa and Muhammad, while Abu Yusuf maintained that it is not permitted except with earth and sand. **A person cannot perform tayammum with wood, silver or gold** as well as metal. Vital note: everything that turns to ashes upon burning and everything that is made in fire cannot be used for tayammum and anything else is permitted.[2] Al-Shafi'i held that it is only permissible with earth in which things can grow, and this has also been narrated from Abu Yusuf due to the words of the exalted [Then take for yourselves clean earth and perform tayammum with it],[3] that is, soil used for sowing which is the view held by Ibn Abbas.

الربع : استيعاب المحل بالمسح

4- **The fourth stipulation is to completely wipe the parts required**, which is the face and the hands up to the elbows. One must therefore remove his ring, interlace or rub between his fingers and wipe the entire skin of his face including the hair according to the correct view. Another view holds that the majority of the face is sufficient as well as the hands.[4] The Prophet ((God bless him and grant him peace)) said [Tayammum is two strikes, a strike for the face and a strike for the arms to his elbows].[5] This is also what the Prophet observed, because he was asked about the method of wiping; [So he struck the ground with his palms, then raised them to his face, after which he struck the ground again and then wiped his arms, the inner part and outer part until he touched his elbows with his hands].[6]

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[1] Ibn Ady Al-Kamil 7/182.

[2] Maraky al-Falah 75.

[3] Quran 4:43.

[4] Maraky al-Falah 75.

[5] Hakim Al-Mustadrak 1/287.

[6] Ad-Darqutani in his Sunan vol.1, 179.

الخامس : أن يمسح بجميع اليد أو بأكثرها حتى لو مسح بإصبعين لا يجوز ولو كرر حتى استوعب بخلاف مسح الرأسم

5- The fifth condition requires one **to wipe with the entire hand or the majority of it. It is not valid if a person wipes with only two fingers even if he does so repeatedly until the required area is covered. However, in wudu a person may wipe his head with two fingers** until he covers the required area, and this suffices.

السادس : أن يكون بضربتين بباطن الكفين ولو في مكان واحد ، ويقوم مقام الضربتين إصابة التراب بجسده إذا مسحه بنية التيمم

6- The sixth condition is **that it must be with two strikes with the inside of the palms** over the soil, **even if the two strikes are from the same place. An alternative solution to the two strikes is the wiping of the soil** (or earth) **already present on one's body, provided one intends tayammum when doing this.** This situation could arise by means of a dust storm where one is covered in sand. If this occurred and one wiped the sand on his face and arms with the intention of tayammum, it is valid.

السابع : انقطاع ما ينافيه من حيض أو نفاس أو حدث

7- The seventh condition stipulates **that the things that are incompatible with tayammum must discontinue before proceeding such as menstrual periods, postnatal bleeding or minor impurity.**

الثامن : زوال ما يمنع المسح كشمع وشحم

8- The eighth condition that validates tayammum is **to remove obstacles that prevent the wiping of the skin, such as wax or fatty grease,** because if one wipes with these things present on the body, then he will in actual fact be wiping the wax or fat and not the skin.

سبب التيمم وشروط وجوبه

The Reason For Tayammum And The Conditions That Render It Obligatory

وسببه وشورط وجوبه كما ذكر في الوضوء

The reason for tayammum and the conditions that make it obligatory are the same as wudu; namely, one cannot be legal for acts of worship unless he is pure. Its conditions are sanity, maturity, Islam, being in a state of minor impurity, and so forth.

أركان التيمم

Its Pillars

وركناه : مسح اليدين والوجه

There are two pillars of tayammum; they are to wipe the arms (with the elbows) **and the wiping of the face.** If a person neglects one of these, then his tayammum is invalid.

Sunan Of Tayammum

وسنن التيمم سبعة

The sunan of tayammum are seven;

التسمية في أوله والترتيب

To say, *"In the name of God, Most Merciful, Most Compassionate"* at the start, and to perform the actions in chronological order; namely, to wipe the face before the hands (to the elbows).

والموالاة

To perform the actions of tayammum successively without pausing between them. The Prophet ((God bless him and give him peace)) was asked about the process of wiping, and it is reported that [He struck the ground with his palms, then raised them to his face, after which he struck the ground again and then wiped his arms, the inner part and outer part until he touched his elbows with his hands].[1]

وإقبال اليدين بعد وضعها في التراب وإدبارهما ونفضهما وتفريج الأصابع ((حالة الضرب : مبالغة في التطهير))

When a person places his hands upon the earth, it is sunna to rub them forward and backward in the soil, after which he is to shake off his hands. In addition to this, the fingers are to be open and spread from one another, not clenched when striking the ground. The reason is to allow the earth to get in between the fingers to ensure optimum cleaning. Note: the procedure of shaking the hands is by hitting them together, and this is done by keeping the hands horizontal bumping only the index fingers.

Abu Yusuf asked Abu Hanifa about how to perform tayammum and Abu Hanifa clarified this by leaning over to clean earth and rubbing his hands in it forward and backward, after which he raised his hands and shook them and wiped his face. He then he repeated what he did with his hands by striking the ground a second time and rubbing them forward and backward. Then he raised them, shook them off and wiped each arm with the opposite hand including the inner area of the arm up to the elbows.[2] The procedure of tayammum regarding the arms is as follows: after one has struck the ground with his hands a second time,

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[1] Darqutani in his Sunan 1/179.

[2] Maraky al-Falah 77.

he is to wipe the outward part of his right arm with the inside of his four fingers of his left hand (*i.e. left hand for right arm*) from the tips of his fingers up to the elbow. He is then to use his left palm without the fingers and wipe the inner part of his right arm (*from the elbow*) up to the wrists. He is then to pass the inner part of his left thumb over the outward part of his right thumb. He is then to repeat this action for his left arm.[1]

تأخير التيمم

When To Delay Tayammum

وندب تأخير التيمم لمن يرجو الماء قبل خروج الوقت

It is recommended to delay tayammum when one expects (according to his predominant view that) **he will attain water before the end of the prayer time.** There is narration from Abu Hanifa and Abu Yusuf that in this situation, one is required to delay tayammum.

ويجب التأخير بالوعد بالماء ولو خاف القضاء

If one has been promised water, it wajib to delay tayammum, even if one fears that he will miss the prayer from its time. This is agreed upon in the Madhhab, provided the water is available and close by. If however, the water is not present with the person who promised it, or it is one mile away or more, then delaying tayammum is not required.

ويجب التأخير بالوعد بالثوب أو السقاء ما لم يخف القضاء

Provided there is no fear of missing the prayer from its time, it is necessary to delay the prayer when a person has been promised clothes to cover his nakedness **or a water skin or rope** to withdraw water. Though if one fears he will miss the prayer, then he is to perform tayammum and pray, whereas the two companions said even if he fears he will miss the prayer, he must still wait, just like the one who has been promised water is to delay.[2]

طلب الماء

Requesting Water

ويجب طلب الماء إلى مقدار أربعمائة خطوة إن ظن قربه مع الأمن ، وإلا فلا

It is *wajib* to seek water the distance of 400 steps if one believes it is near-by, provided it is safe to do so. If not, then he need not search. Note: if one believes water is close by based on evidence such as the presence of a bird, fruit or information received, then he is required to seek water the distance of 300-400 steps in the direction he believes the water to be; and it is not permitted for him to perform tayammum unless he has searched for water. If on the other hand he does not believe water is near-by, then he is under no obligation.[3]

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[1] Al-Fiqh al-Islamy, Ibrahim as-Salkini 122 | Al-Badai' vol.1, 46.

[2] Maraky al-Falah 77.

[3] Al-Hidaya 50

ويجب طلبه ممن هو معه إن كان في محل لا تشح به النفوس ، وإن لم يعطه إلا بثمن مثله لزمه شراؤه به إن كان معه فاضلا عن نفقته

One is required to request water from an accompanying person (or one of his companions if they have it), **provided that one is in a place where people are not stingy or miserly with the water.**[1] **And if one is not given water unless it is paid for at the average price, then one must pay if he has extra money left-over from what is needed for his basic requirements.** If however the water is being sold at an unreasonable price, then it is not compulsory to purchase the water. Hence, these are the three conditions that require the purchase of the water; i.e. that one is in a place where people are not stingy with water (this is to indicate that the water will generally be given in such a place), the price is standard, and one has the means to purchase it apart from what he needs for his basic requirements. A person is not required to purchase the water if it is selling at a high price or at the average price, though one does not have the means to purchase it, or one needs the funds for his basic requirements.[2]

الصلاة بالتيمم

Prayer With Tayammum

يصلي بالتيمم الواحد ما شاء من الفرائض والنوافل

One may offer as many obligatory and voluntary prayers he desires with only one tayammum, though it is superior to repeat tayammum in order to remove oneself from the view of the Shafi'i Madhhab. Imam Shafi'i held that he is to perform tayammum (afresh) for every obligatory prayer. The Hanafi view is that he is in a state of purification as long as water is unavailable, which means he can perform his obligation as long as its condition is valid. Therefore, tayammum acts like wudu in that one is deemed pure until it is broken.

وصح تقديمه على الوقت

It is valid to perform tayammum before the entry of the prayer time, just like it is valid to offer as many obligatory and optional prayers one likes, because tayammum is purification that is legally acknowledged provided the water is unavailable. Therefore, tayammum acts in its place as long as this condition is present.[3]

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[1] If one is in to a place where people are miserly with the water or they will not give water under any circumstances, then one is to make tayammum and pray. What is meant here is that one is convinced he will be refused or denied, in which case one is to perform tayammum and pray. If one of his companions has water, he is to ask him prior to performing tayammum. If one performs tayammum before making a request or demand for water, it is valid according to Abu Hanifa because it is not binding upon him to make such a demand on another person's property. The two disciples maintain that he does not acquire the reward because water is usually given. [Al-Hidaya 51].

[2] Maraky al-Falah 78.

[3] Al-Fiqh al-Islamy, Ibrahim as-Salkini 120.

ولو كان أكثر البدن أو نصفه جريحا تيمم

If the majority or half of the body is injured, one is permitted to perform tayammum. The limbs which are assessed in this case are those used in wudu. Therefore, if half of these limbs or the majority is hurt, tayammum is permitted. For example: if the head, face and arms are injured and yet there is no injury with the feet, one is permitted to observe tayammum.

وإن كان أكثره صحيحا غسله ومسح الجريح

If the majority of the body is sound, then one is to wash the unharmed area and wipe the injured part.

ولا يجمع بين الغسل والتيمم

One cannot combine the use of water and tayammum together; for example, a person cannot use water for half his arm, and perform tayammum for the other half. If one does not have enough water to complete washing, then he is to observe tayammum.

Moreover, if one forgets water during his journey, performs tayammum and prays, but later remembers that he has water, he is not to repeat the prayer according to Abu Hanifa and Muhammad, while Abu Yusuf held that he is to repeat it. The disagreement pertains to the situation of where he placed the water. Did he place it in a particular place or did someone do so at his command; and remembering at the time of prayer or thereafter is the same. Note: there are three scenarios here: a) he placed it himself and did not look for it, b) his slave or servant did it for him, but he did not know, and c) he did so himself, but forgot. In the first case, his prayer is not valid on the basis of consensus [*ijma'*]. The other two cases are discussed here. Abu Yusuf argues that he is a "seeker of water" and on a journey a traveller is usually prepared with respect to water and looking for it is required of him. Abu Hanifa and Muhammad hold that there is no such ability without knowledge, and the water on a journey is readied for drinking and not for other use.[1]

نواقض التيمم

Nullifications Of Tayammum

وينقضه ناقض الوضوء والقدرة على استعمال الماء الكافي

The factors that nullify tayammum are the same as wudu. It is also annulled when one has the ability to use a sufficient amount of water to wash the required parts at least once. The meaning of *'having the ability to use the water'* is to have a quantity of water sufficient for wudu, even if one has only enough to wash each limb once. *Having the ability to use the water* also means one's excuse of permitting tayammum is no longer present, such as the enemy retreating or one's sickness has been alleviated or it is no longer cold or one has found an instrument by which to extract water, in which case tayammum is void.

[1] Al-Hidaya 50.

There are also other aspects to consider in relation to the nullification of tayammum. *The first case* is that the person in the state of tayammum sees water prior to offering the prayer, in which case the tayammum becomes void. *The second case* relates to one who sees water during prayer, in which case the Hanafis hold that the sighting of water during prayer invalidates it given that purification has ended. Shafi'i holds that the tayammum does not become invalid after one has entered the prayer because the prayer has been called for and entered and because Allah states [Do not terminate your deeds].[1] *The third case* pertains to one who sees water after the completion of prayer. If one sees water after the time for the prayer has ended, then one is not to repeat his prayer, and there is no disagreement concerning this. Though if one sees it prior to the end of the prayer time, then one is not to repeat his prayer according to the majority of jurists with the exception of the Maliki Madhhab.[2]

حكم الجريح إذا كان مقطوع اليدين والرجلين

The Ruling Of The Wounded With No Hands Or Feet

ومقطوع اليدين والرجلين إذا كان بوجهه جراحة يصلي بغير طهارة ولا يعيد

The one who has no hands and no feet and suffers from a wound upon his face, is permitted to pray without purification and does not need to repeat prayer (and this is the soundest view). Furthermore, Ibn Abidin states: The restricted or limited person who does not possess the two purificatory elements [*at-Tahurain*]; namely, water or clean earth in that they are constrained to an unclean place and unable to extract clean earth; or it may be that one's illness prevents one from seeking water or clean earth, then prayer is delayed according to Abu Hanifa while the two companions held that one is to resemble and imitate those that pray and that this is *wajib*. So one is to bow and prostrate facing the qibla without reciting Quran regardless if one is a state of minor or sexual impurity; this is provided one finds a dry area. If not, then one may offer the prayer through indication (i.e. nodding) while standing. However, this resemblance does not remove the obligation of offering the obligatory prayer and the prayer must be repeated when one acquires water or clean earth. This case is similar to that of a fasting person. For example, when a woman with menses becomes clean during the day in Ramadan; she is required to abstain from eating the remainder of the day resembling those who fast and make up the day later. The legal ruling on the matter has been issued in accordance with this view, and Abu Hanifa later reversed his decision in accordance with this view (regarding imitation).

Likewise, the one with no hands or feet and with an injury upon the face is to pray without purification and is not to perform tayammum and is not to repeat the prayer. If one has no injury upon his face, then he is to wipe it in clean earth if he

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[1] Muhammad 33.

[2] Al-Fiqh al-Islamy, Ibrahim as-Salkini 123.

cannot wash it. Therefore, this ruling differs to the ruling above; in that one who is unable to find the two purificatory elements (that is, water or clean earth) due to an illness is required to delay it or resemble those who pray as mentioned previously and make up the prayer later."[1]

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باب المسح على الخفين

Wiping The Footgear (Khuffain)

The wiping of the footgear[2] has been established by the Prophet's sayings and actions ((God bless him and grant him peace)). Scholars have mentioned that it was sanctioned in the 9th year of Hijra and there has been a vast deal of narrations on the matter. From these narrations is what Ibn Khuzayma and Ibn Habban relate; that the Prophet ((God bless him and grant him peace)) permitted those travelling to wipe for three days and three nights, and for the non-traveller - one day and one night, provided one purified himself and then wore the khuf. Likewise, it is related from Hassan al-Basri that he said, *"I was told by seventy Companions that the Prophet wiped his khuf, and it is the heart of the sunna, and that the greatest in merit are the two 'Amrayn', and that (one must) love the Khatanan and that it is permissible to wipe the khuf."* The '*Amrayn*' are Abu Bakr and Umar (may Allah be pleased with them). And the Khatanan are Al-Hasan and al-Husain, the sons of Ali Ibn Abi Talib (may Allah be pleased with them). Abu Hanifa said that because this news of wiping the footgear has reached us by way of *tawatur* (uninterrupted transmission in large numbers), then he fears that one who denies its permissibility has committed disbelief.[3]

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[1] Ibn Abidin.

[2] The footgear typically worn by Muslims are ankle-high leather socks that are worn inside the shoes. Muslims are permitted to wipe the footgear instead of washing the feet for wudu. Additionally, the term *khuffain* is the dual of *khuf*.

[3] Al-Ikhtiyar.

حكم المسح على الخفين

The Ruling Of Wiping The Khuffain (Footgear)

صح المسح على الخفين في الحدث الأصغر للرجال والنساء ولو كانا من شيء ثخين غير الجلد سواء كان لهما نعل من جلد أو لا

It is valid for both men and woman to wipe the *khuf* (footgear) to obtain cleanliness from the state of minor impurity,[1] even if the wiping is on something thick other than leather,[2] and it is the same if the sole is made of leather or not.

شروط جواز المسح

Conditions That Permit The Wiping

ويشترط لجواز المسح على الخفين سبعة شروط

Seven conditions are required to validate the wiping:

الأول: لبسهما بعد غسل الرجلين ولو قبل كمال الوضوء إذا أتمه قبل حصول ناقض للوضوء

1- The first requires that they be worn after washing the feet. It is permissible to wear the *khuf* even before completing wudu, provided the person completes the wudu before the occurrence of anything that invalidates it. For example, if a person begins wudu by washing his feet, wears the khuf, and then breaks wind before the completion of wudu, the wiping of the khuf is ruined and one must re-do the process.

والثاني: سترهما للكعبين

2- They must cover the feet up to (and including) **the ankles.**

والثالث: إمكان متابعة المشي فيهما، فلا يجوز على خف من زجاج أو خشب أو حديد

3- One must be able to continuously walk in them.[3] It is not permissible for one to wipe on footgear that have been made from glass, wood or steel.

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[1] One is not permitted to wipe his footgear to acquire cleanliness from major impurity.

[2] Maraky al-Falah states several examples of things other than leather such as *Jukh* (a thick cloth) and *Kirbaas* (which is a thick type of cotton). The definition of Kirbaas is derived from the dictionary of Legal terms (Masbah al-Munir 273). In any case, these feet coverings must hold to the feet without being tied and they must not absorb water to the *skin* according to Muhammad and Abu Yusuf. This is also the saying of Abu Hanifa and the fatwa issued is in accordance with this view.

[3] It must be possible to continuously walk in khufs for a distant of one farsakh (which is three miles and more) according to the Hanafis. Given this, it is not permissible to wipe on footgear that will tear with walking and neither on footgear that is not possible to walk in due to its weight, such as footgear made from metal and so forth. [Ibn Abidin 1/139].

والرابع : خلو كل منهما عن خرق قدر ثلاث أصابع من أصغر أصابع القدم

4- **The fourth condition requires that *each* khuf be free from a tear the size equivalent to three of the smallest toes.** If it is less, it is permitted. Imam Zufar and Shafi'i said that it is not permitted even if the tear is less than this measure, because the obligation of washing the area exposed makes the washing of the rest obligatory. The basis of the Hanafi school is that the footgear [*khuffain*] is usually not free from minor tears and the people will face hardship in taking them off. Note: if for example the tears on one *khuf* are spread out, then it is of no harm if the sum total of these tears is *less* than the measure described above; and if there are multiple tears from both *khufs*, then they are not to be combined; that is, each *khuf* is judged on its own. This means that if there are tears on both khufs which do not prevent the wiping, though if combined would equal the prohibited measure; it does not prevent the validity of the wiping and the wiping is legal.[1]

والخامس : استمساكهما على الرجلين من غير شد

5- **They must hold to the feet without being tied.**

والسادس : منعهما وصول الماء إلى الجسد

6- **They must prevent water from reaching the skin.** Note: they must prevent the amount of water present on the hand at the time of wiping. They are not waterproof, but they must prevent this amount from reaching the skin.

والسابع : أن يبقى من مقدم القدم قدر ثلاث أصابع من أصغر أصابع اليد فلو كان فاقدا مقدم قدمه لا يمسح على خفه ولو كان عقب القدم موجود

7- For wiping to be valid, **the front part of the foot must be physically present, the length being equivalent to three of the smallest fingers of the hand.**[2] **And if one is missing the front part of his foot, he cannot wipe his khuf even if the heel is present,** because the compulsory place to wipe is absent. It is therefore compulsory to wash the foot instead. Mere presence of the heel is not sufficient for the wiping to be valid.

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[1] Radd al-Muhtar 1/460.

[2] This means that the length is to be equal to width of three of the smallest fingers. If not, then it is not permissible.

مدة المسح وابتداؤها

The Duration Of Wiping And When It Begins

ويمسح المقيم يوما وليلة والمسافر ثلاثة أيام بلياليها وابتداء المدة من وقت الحدث بعد لبس الخفين

A resident (non-traveller) is permitted to wipe his footgear for one day and one night (i.e. 24 hours) **whereas the traveller is permitted three days and three nights** (i.e. 72 hours) **and this period begins when a person breaks his wudu after wearing the footgear.**[1] Ali (Allah be pleased with him) said that [The Messenger of Allah ((God bless him and grant him peace)) had appointed three days and three nights as the period when a traveller is permitted to observe wiping, and one day and one night as the period for the non-traveller].

تغير حال لابس الخف

Changing One's Status

وإن مسح مقيم ثم سافر قبل تمام مدته أتم مدة المسافر

If a *resident* begins to wipe and then travels before completing his term, then he is to complete the period permitted for a traveller, which is three days and three nights.[2]

وإن أقام المسافر بعد ما مسح يوما وليلة نزع ، وإلا يتم يوما وليلة

If however, a traveller becomes a resident, and had already wiped for one day and one night, then the wiping is nullified because he is now a resident, **though if he had not wiped for one day and one night, he is to complete this term.**

فرض المسح، و سنته

The Portion Which Is Obligatory To Wipe And Its Sunna

وفرض المسح قدر ثلاث أصابع من أصغر أصابع اليد على ظاهر مقدم كل رجل

It is obligatory to wipe the area equivalent to the three smallest fingers of the hand over the top part of each foot. Note: if this area becomes wet even with a cloth or by pouring water over the required area, then it is permissible. Though the sunna is to use the hand. Additionally, the wiping of the footgear is to be done once only over the top part of each *khuf*. It is not valid to wipe beneath the *khuf*, nor the back or side of it; and it is not sunna to repeat the wiping.[3]

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[1] For example; if a person makes wudu at 8:00 am and then wears his footgear, and then at 12:00 pm, he breaks his wudu. His duration therefore begins from 12:00 pm because it is at that time in which he first broke his wudu.

[2] For example; If one's duration of wiping his footgear begins at 10:00 am Monday, because that is when he first broke his wudu; and then later that night at around 8:00 pm, he becomes a traveller, he is permitted to keep wiping his footgear until Wednesday 10:00 am. This is a total of seventy two hours.

[3] Maraky al-Falah 82.

وسننه ، مد الأصابع مفرجة من رؤوس أصابع القدم إلى الساق

It is sunna to begin the wiping from the toes of the feet up to the shin with spread fingers. It has been narrated that the Prophet ((God bless him and grant him peace)) passed by a man who was performing wudu and he was washing his khuf, the Prophet then took him by the hand and said, *"Verily, my Lord ordered me to wipe like this,"* and the Prophet showed him from the front of the *khuf* toward the leg once, and the Prophet spread between the fingers.[1]

نواقض المسح

Nullifications Of Wiping

وينقض مسح الخف أربعة أشياء

There are four things which annul wiping;

كل شيء ينقض الوضوء

1- **Wiping is nullified by all things which nullify wudu.** This means that if one breaks wind for example, then his wudu is void as well as the wiping over the footgear. Therefore, he must make wudu again and wipe the footgear. However, he is *not* required to take off the footgear and wash his feet.

ونزع خف ولو بخروج أكثر القدم إلى ساق الخف

2- **The removal of the *khuf* invalidates the wiping**, not wudu. **The same rule applies even if the majority of the foot is revealed**, because once the foot is exposed, the minor impurity extends to the foot which now requires washing. Moreover, the removal of the *khuf* on one foot requires the removal of the other and the washing of both.[2]

وإصابة الماء أكثر إحدى القدمين في الخف على الصحيح

3- **When the majority of one of the feet becomes wet with water, the wiping is ruined.** This is achieved when over half the foot becomes wet.

ومضي المدة إن لم يخف ذهاب رجله من البرد

4- **When the period for wiping expires**, the wiping is nullified **provided one does not fear he will lose his leg due to intense cold.** If one fears such a thing, then he is permitted to keep the footgear on until it is safe to take them off. In addition, if the period expires while one is praying, the prayer is void.

وبعد الثلاثة الأخيرة غسل رجليه فقط

The last three points (*namely, point 2, 3, and 4*) require only, the washing of the feet, not wudu.

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1 Tabarani 2/30.

2 Maraky al-Falah 83.

ما لا يجوز المسح عليه

That Which Is Not Permitted To Wipe On

ولا يجوز المسح على عمامة

It is not permissible to wipe on;

The turban. It is unlawful to wipe on the turban in exchange for wiping the head, because it may prevent water from penetrating the turban and entering upon the head, in which case the area required to be wiped (i.e. a quarter) was not performed. It has been reported that the Prophet ((God bless him and grant him peace)) did wipe on his turban, but what is ascertained from this is that the wetness would reach his honourable head. {Malik informed that a report reached me from Jabir Ibn Abdullah that he was asked about the wiping over the turban and then he said; "No, not without the water touching the hair."[1]

وقلنسوة وبرقع وقفازين

It is not permitted over the cap, veil or gloves because there is no hardship in taking off these things. Nafi reported that he saw Safiyyah bint Abi Ubayd perform wudu, she pulled off her headscarf then wiped her head.[2] Imam Muhammad said we adhere to this: the headscarf should not be wiped over, nor the turban. It has been narrated that the wiping over the turban was performed, then abandoned. This is the verdict of Abu Hanifa and our fuqaha in general.

فصل في الجبيرة ونحوها

Wiping The Splint Or Bandage And The Like[3]

إذا افتصد أو جرح أو كسر عضوه ، فشده بخرقة أو جبيرة وكان لا يستطيع غسل العضو ولا يستطيع مسحه وجب المسح على أكثر ما شد به العضو

If blood is drawn from a limb, or one suffers an injury or broken limb, after which he applies a splint or bandage, and due to the severity of the injury is unable to wash or wipe the limb, then it is necessary [*wajib*] to wipe the majority of what is used to support the limb. That is, if one is unable to wipe the limb, then it is necessary to wipe over the splint or bandage. Note: there are two views in the Hanafi Madhhab concerning whether it is necessary [*wajib*] or obligatory [*fard*] to wipe over the bandage. Abu Hanifa does not deem it obligatory; rather he maintains that it is necessary [*wajib*]; and this is the correct view, to the extent that

[1] Muwattah of Imam Muhammad 52

[2] Muwattah of Imam Muhammad 53.

[3] The term *jabira* is typically two supports made of wood or palm branches and something similar, which is then wrapped with cotton material over the broken limb. What is similar to this is everything that is placed upon a part of the body which requires it, such as bandages, leather or a brace.

if one neglects the wiping without the possibility of harm or aggravation, it is valid, and the prayer is not deemed void. As for the two companions (Abu Yusuf and Muhammad), Shafi'i and the majority of jurists, they held that it is obligatory to wipe on the basis that the Prophet wiped over his bandage and that when Ali broke his forearm during the battle of Uhud, or on the day of Khaybar, the Prophet ordered him to wipe over the bandages.

They also used as proof that analogical reasoning [*qiyas*] applies here due to the wiping over the footgear [*khuffain*].[1] Abu Hanifa maintained that wiping is an exchange from washing and that washing beneath the bandage is not necessary if it becomes exposed, though this is contrary to what is beneath the footgear [*khuffain*]; and he held that the hadith of Ali does not impose the obligation on the basis that it is a solitary narration [*khabar ahad*]. He therefore maintained that the proof is speculative [*dhanni*] and not decisive [*qat'i*].[2]

Furthermore, with respect to the amount required to be wiped, Abu Hanifa held that it is sufficient to wipe the majority of the bandage and that man has not been requested to wipe the entirety, given that it would be burdensome and lead to aggravation of the injury. Shafi'i held that the entirety is to be wiped with water and that partial wiping does not suffice. This is because the limb requires complete washing, so likewise with wiping.

وكفى المسح على ما ظهر من الجسد بين عصابة المفتصد

If removal of the bandage would cause aggravation or further harm, **then it is sufficient to wipe the part of the body that is visible between the bandages** without having to remove the bandage. Such an act is undertaken to prevent water from trickling upon the injury that may result in infection or otherwise. If no harm would be caused by untying the bandage, then one is to undo it and *wash* the unharmed area and *wipe* the injury; but if wiping (the injury) would cause harm, then one is to leave it.[3]

Therefore, in order to wipe over the splint, cast or bandage, it is conditional that washing or wiping the injured limb not be possible, for fear of causing aggravation, an increase in pain, or a delay in recovery. Likewise, one must not be able to remove the bandage or cast for fear of causing further harm or a delay in recovery. If one believes no adverse consequences will occur from removing the support, then wiping over the bandage or splint is not permissible. Moreover, the bandage must not go beyond the affected area. If it does, then one will be required to undo it and wash the unaffected area behind it provided no harm will follow.[4]

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[1] Maraky al-Falah 84 / Tabarani - Masnad ash-Shamiyin 1/262 / Ibn Majah 657.

[2] Al-Ikhtiyar 40-41 | Al-Fiqh al-Islamy - Ibrahim as-Salkini 135.

[3] Maraky al-Falah 84.

[4] Al-Fiqh al-Islamy - Ibrahim as-Salkini 134.

Al-Ikhtiyar states: If the bandage over the injury extends beyond the actual wound or cut; and untying the bandage and *washing* beneath it will cause harm to the injury, then one is to *wipe* over the entire area (or the majority according to Abu Hanifa). However, if untying the bandage and washing the unaffected area will *not* cause harm, then one is to *wash* the unaffected area around the wound and *wipe* the wound. If wiping the wound will adversely affect a person, then one is [to leave the bandage tied and] wipe the section directly above the injury. One is also to wash the area around the injured site and where the bandage has covered unaffected skin, one is to wipe the untouched area beneath this. This is because wiping has been granted due to necessity and it is to be restricted according to its measure.[1]

والمسح كالغسل فلا يتوقت بمدة

Wiping over the bandage or splint is like washing the area beneath it as long as the cause is present. **There is no time limit on how long a person can wipe the bandage**, though this is contrary to the wiping of the footgear [*khuffain*], which has a duration of twenty four hours for a resident – after which one must remove his footgear and wash his feet. Though wiping one's splint or bandage has no duration and can be wiped as long as there is a standing reason. The only factor that does not allow one to wipe over an injury is when the injury heals.

ولا يشترط شد الجبيرة على طهر

It is not a stipulation to tie the splint (or bandage) in a state of purification. This means that one is not required to place the bandage upon the injured area in a state of wudu. However, with respect to wiping the footgear [*khuffain*], one is required to wear them in a state of purification.

ويجوز مسح جبيرة احدى الرجلين مع غسل الأخرى

To wipe the bandage on one foot and wash the other is permissible. However, this is not permissible for the wiping of the footgear [*khuffain*].

ولا يبطل المسح بسقوطها قبل البرء

The wiping is not nullified if the bandage falls off before the wound heals, because there is a standing reason according to the Hanafis. However, this is contrary to Shafi'i and other jurists who hold that its removal or its falling off invalidates the wiping.[2]

ويجوز تبديلها بغيرها ولا يجب إعادة المسح عليها ، والأفضل إعادته

It is permitted to change one bandage with another. And it is not necessary to repeat the wiping on the new bandage provided the old one was wiped **though it is preferable to do so**. Furthermore, if one places a new bandage on top of the old one, then he is not required to wipe the top one. Likewise, if one wipes over the

[1] Al-Ikhtiyar 41.

[2] Al-Fiqh al-Islamy – Ibrahim as-Salkini 136.

top bandage and then ruins it (or removes it), one is not required to wipe the bandage beneath the top one.[1]

وإذا رمد وأمر أن لا يغسل عينه أو انكسر ظفره وجعل عليه دواء أو علكا أو جلدة مرارة وضره نزعه

جاز له المسح ، وإن ضره المسح تركه

If one's eye is infected and the physician orders him not to wash it, or one has broken his nail and has applied medicine upon the injury or an aid or the skin of an animal for healing, the removal of which is harmful, then it is permissible to wipe over the medicine. If however, it will cause harm to wipe over the medicine, then it is permitted to omit the wiping.

ولا يفتقر إلى النية في مسح الخف والجبيرة والرأس

One is not required to form an intention for wiping on the footgear [*khuf*], splint, and head. It is agreed among the scholars that a person is not required to have an intention when wiping the splint or head, whereas for the wiping on the *khuf*, it is evident that intention is not a stipulation although some scholars have stated that it is.

باب الحيض والنفاس والاستحاضة

The Chapter Of Menstrual Periods, Postnatal and Chronic Vaginal Discharge

أنواع الدماء

The types of blood

يخرج من الفرج حيض ونفاس واستحاضة

The types of blood that exit from the female (vagina) are menstrual periods [*hayd*], postnatal bleeding [*nifas*] and chronic vaginal discharge [*istihada*]. The topic of menstrual periods is one of the most important issues based on the fact that a vast amount of rules are derived from it such as divorce, lineage, the permissibility of intercourse, prayer, fasting, the recitation of Quran, *i'tikaf* (religious retreat), the entering of a mosque, tawaf around the ka'bah and maturity. With respect to how menstrual periods affects divorce is that; divorce is of three types: hasan (proper), ahsan (more proper) and *bid'i* (innovative). The ahsan form of divorce is that a man divorces a woman with a single repudiation pronounced during her period of purity from menstruation during which he has not had intercourse with her. He then waits until she completes her waiting period *('iddah)*. The hasan form, which is termed talaq al-Sunna is when a woman whose marriage has been consummated is divorced with three repudiations pronounced in three periods of purity (one in each). And *talaq al-bid'ah* (innovation) is when the man divorces her with three repudiations pronounce in a single period of purity. If one does this, the divorce takes effect, but one has sinned.[2] It is therefore evident as to why this subject is of great importance.

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[1] Maraky al-Falah 85.

[2] Al-Hidayah 1/266 | Maraky al-Falah 87.

الحيض

Menstrual Bleeding [Hayd]

فالحيض دم ينفضه رحم بالغة لا داء بها ولا حبل ولم تبلغ سن الإياس . وأقل الحيض ثلاثة أيام ،

وأوسطه خمسة ، وأكثره عشرة

Menstrual bleeding is blood that discharges (forcefully) **from the uterus of a female who has attained puberty, who is not ill or pregnant and has not reached the age of menopause** (which is fifty five years old; and the fatwa issued is based on this view). **The minimum days of menstrual periods are three days** and three nights. **The average is five days and the maximum is ten days.** The Prophet ((God bless him and grant him peace)) said [The minimum period for hayd in the case of a virgin girl or deflowered women is three days and its accompanying nights, while the maximum is ten days].[1] This is proof that is contrary to the view of Imam Shafi'i who fixes it at one day and one night. Also, the red, yellow and dark coloured fluid that a woman sees during the period of menses is menstruation, until she sees pure white.[2] A'ishah (God be pleased with her) deemed whatever was other than pure white as menses.[3] Hence, when a woman sees blood for less than three days after which it discontinues and sees pure white after that, then it is deemed as chronic discharge [*istihada*] according to the Hanafi school; while blood less than one day and one night is deemed as chronic discharge according to Shafi'i.

Supplementary notes from Ibn Abidin's Hashia

According to the Sacred law, when a person attains puberty, he/she is said to have matured [*baligh*]. No girl becomes mature prior to the age of nine years. Note: only lunar months and years are taken into consideration in Islamic matters. A girl is said to be mature is she experiences menstruation after the age of nine; or when she sexually enjoys intercourse in her dream and seminal fluid is discharged; or she has no menstruation, but becomes pregnant. *As for the girl under the age of nine*, if she sees blood, then it is regarded as chronic vaginal discharge [*istihada*]; and this is the strongest view. The same applies to the menopausal woman according to the evident view in the Madhhab.

The pillar of menstruation is the emergence of blood from the uterus; that is, the appearance of blood to the immediate part outside the vagina. If the blood remains in the inner part of the vagina, then it is not deemed menses; and this is the most evident view upon which the legal ruling [*fatwa*] coincides with according to Quhustani. However, Muhammad held that it is based on the woman feeling it.

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[1] Darqutani, al-Zayla'i, vol 1, 191.

[2] Al-Hidayah 60.

[3] Al-Zayla'i, vol, 1, 193.

[It states in *Sharh al-Waqayya*:] It is recommended for a virgin to use cotton wool, sanitary pads or a piece of old clothing during her menses to cover her private part and for a non-virgin – it is recommended all the time. It is disliked to place something in the internal area of the private part (as is done with tampons).

The least time for menstrual periods is three days and their nights (***the nights have been added in this text to clarify the extent of time in hours, which is seventy two astronomical hours***). Verily, it is *not* conditional for the blood to continue throughout this time in a manner where there is no stoppage for an hour, because this is rare. Indeed, the discontinuation for an hour or two or more does not invalidate it. And the maximum time for menstruation is ten days and their nights (*or 240 hours*).

That which is short of the minimum duration (of three days or seventy two hours) even by a small margin of time is regarded as chronic vaginal bleeding [istihada] and not menstruation. Al-Quhustani said: "If the woman experiencing menses for the first time sees blood when half the plate of the sun has risen and its stops on the fourth day when one quarter has risen, then it is deemed istihada (*because it has fallen short of the minimum duration of seventy two hours*), though if half the plate of the sun has risen, then it will be regarded as menstrual periods. And with respect to the woman with her regular days, such as five for example; if she sees blood when half the sun has risen from the horizon and it stops on the eleventh day when one third has risen, then the surplus above five is deemed chronic vaginal discharge [*istihada*], because it increased upon the tenth day with the amount of one sixth."[1]

The characteristic of menstrual blood – The jurists agree that its colour is red but closer to being black, and that it has a foul smell. As for the colours of yellow, muddy and green during the time of menses, the preferred view according the majority of Hanafi, Shafi'i, Maliki and Hanbali scholars is that it is judged as menstrual blood. And they relied upon the hadith of A'ishah that is recorded in the Muwatta of Imam Malik: [Woman used to send little boxes to A'ishah with a piece of cotton cloth in each one on which was yellowness from menstrual blood, asking her about prayer. She said to them: "Do not be hasty until you see a white discharge."] By this she meant purity from menses.[2]

النفاس

Postnatal Bleeding [Nifas]

والنفاس : هو الدم الخارج عقب الولادة . وأكثره أربعون يوما ولا حد لأقله

Postnatal bleeding *(nifas)* is blood that discharges after giving birth. The maximum days of postnatal bleeding is forty days. There is no fixed limit on the minimum period which means the bleeding may stop at any time before the forty days. Anas (God be pleased with him) is reported to have said that Allah's

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[1] That is, she noticed blood when half the sun had risen and it stopped after the tenth day when one third had risen. The difference between half and one third is one sixth.

[2] Muwatta of Imam Malik 99. [Radd al-Muhtar vol. 1/474]

Messenger ((God bless him and grant him peace)) had prescribed forty days for women in the state of *nifas*, except if she is purified before this.[1] Therefore, if a woman gives birth and sees blood in excess of forty days according to Abu Hanifa and six days according to Shafi'i, then the excess is deemed as chronic vaginal discharge [*istihada*].

الاستحاضة

Chronic Vaginal Discharge [Istihada]

والاستحاضة : دم نقص عن ثلاثة أيام أو زاد على عشرة في الحيض وعلى أربعين في النفاس

Istihada* is the discharge of blood that stops in less than three days or blood in excess of ten days of menstrual bleeding. Equally, the excess of blood after forty days of postnatal bleeding. is regarded as *Istihada (chronic vaginal discharge). Hence, if a woman begins to bleed and it ceases in less than three days, it is not menstrual bleeding, it is chronic vaginal discharge [*istihada*]. Also, the maximum amount of days for a menstrual period is ten days; the blood after ten days is regarded as chronic vaginal bleeding. This also applies to the excess of blood after forty days of postnatal bleeding.

In addition, if a woman with regular days bleeds beyond her regular days of menses and postnatal bleeding and the blood persists until it breaches the maximum duration for menses and postnatal bleeding, then it is deemed chronic vaginal bleeding [*istihada*]. Equally, the female that sees blood prior to the age of nine as well as the pregnant woman is considered chronic discharge.

Moreover, if a woman who has a known routine bleeds beyond her regular days of menses and they are seven for example, then there are two situations that may occur: 1) if the regular days change during the days of her menses, such as the menses becoming nine or ten days, then it is regarded as menses and her regular days are considered changed. Indeed, it is established that the regular days of a woman become established even after the one time of menses. Hence, her regular days are that which she sees last, which may increase or decrease; so she is to fall back on her last period. The same applies to postnatal bleeding in that a woman's regular days may be twenty for example; then during the days of bleeding, it changes to thirty or thirty five. 2) If the bleeding exceeds ten days and she has a known habit that is less than ten days (such as seven for example), then she is rely on her normal course (i.e. seven) and whatever exceeds this is regarded as chronic vaginal discharge [*istihada*].[2]

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[1] Ibn Majah 649.

[2] Al-Fiqh al-Islamy, Ibrahim as-Salkini 144.

الطهر الفاصل بين الحيضين

Pure Days between Two Menstrual Periods

وأقل الطهر الفاصل بين الحيضتين خمسة عشر يوما ولا حد لأكثره

The minimum days of purification that separates two menstrual periods is fifteen days. There is no time limit on the maximum days she could be pure for because it may extend to a year or two and cannot be determined by assessment, though it is known she will have a minimum of fifteen pure days.

إلا لمن بلغت مستحاضة

Hence, there is no limit for the maximum days of purity between two menstrual periods; **except for a female who just entered puberty suffering from chronic vaginal bleeding** [*istihada*]. In this case the scholars calculate for her ten days of menstrual bleeding from when she first noticed the blood, regardless if she sees the blood at the beginning of the month, its middle or end. She is to leave prayer and fasting from the first sight of blood. She is then given a *maximum* of fifteen days in which she is deemed pure and required to offer prayer and fasting. Women are required to make up the days of fasting in which they are deemed pure.[1] Note: *Al-Ikhtiyar* maintains that only ten days are regarded for her as menstrual periods each month and in the remaining days (i.e. nineteen or twenty days depending on the month) she is deemed pure and therefore required to undertake the performance of prayer and fasting. This view is one relied upon in the Madhhab contrary to the first view mentioned by Shurunbulali in Maraky Falah that menstruation is ten days and chronic vaginal bleeding [*istihada*] is fifteen days.[2]

If however, a girl matures, though is not suffering from chronic vaginal bleeding [*istihada*] and she develops a routine or schedule of regular days regarding menstruation, though later she suffers from chronic vaginal bleeding [*istihada*] and the bleeding continues through her regular days and exceed the maximum days of menstruation [*hayd*] or the maximum days of postnatal bleeding [*nifas*], then she is to rely on her regular days (or schedule) and whatever increases upon her regular days is considered chronic vaginal discharge [*istihada*].[3] In light of this, she is to make up the prayers for the days beyond her habit. Note: when a woman has established a routine, such as seven days for example, though on the following period she exceeds this and bleeds for twelve days, then due to the fact that she exceeded the maximum duration of menses, she is to fall back upon her regular days (which are seven) and anything above this is deemed chronic discharge [*istihada*]. However, if she had not exceeded the ten days (and bled for nine days only), then this new number of nine days would be regarded as her new routine for the following month.

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[1] Nur al-Idah 58.

[2] Al-Ikhtiyar 46.

[3] Nur al-Idah 58.

Ibn Abidin states: If a period of purification (i.e. a stoppage of blood) occurs during a woman's menses (where she bleeds, stops bleeding and then bleeds again), then it is treated like the continual flow of blood. This is one of several views and the reasoning is that the continuous flow of blood throughout the period of menstruation is not a stipulation by consensus. This is one of the two narrations from Abu Hanifa.[1]

ما يحرم بالحيض والنفاس

Forbidden Actions During Menstrual Periods And Postnatal Bleeding

ويحرم بالحيض والنفاس ثمانية أشياء

Eight things are forbidden for a woman during menses or postnatal bleeding;

الصلاة والصوم

1- **Prayer** is forbidden for the reason that the Prophet ((God bless him and grant him peace)) said [When the menstruation begins, abandon prayer, and when it is finished take a bath and pray].[2]

2- **Fasting**, whether it is obligatory or optional, is unlawful on the basis of the words of the Prophet (God bless him and grant him peace).

وقراءة آية من القرآن

3- **To recite a verse from the Quran** is not lawful (i.e. the woman is not permitted to read a verse of Quran, whether it is from memory or by reading it from the *mushaf*). This is due to the hadith of Ibn Umar who reported that the Prophet ((God bless him and grant him peace)) said [The woman in the state of menses is not to recite anything of the Quran and neither the sexually impure].[3] The unlawfulness is the recitation. However, if it comes forth from one's tongue without the intent of recitation, and was intended as supplication, or praise or intended as invocation [*tasbih*], such as to say at the moment of tragedy, "*To Allah we belong and to Him we shall return;*" or at the time of mounting a beast "*Glory be to the one who has provided this for us, though we could never of had this via our own efforts;*" or "*Praise be to Allah;*" or "*In the name of Allah;*" or "*O Allah! Forgive me and my parents;*" then it is permissible and not unlawful to utter any such things for there is no breach and there is consensus among the scholars that *invocations, takbir, tahlil* (*i.e. there is no god except Allah*) and sending blessings upon Prophet Muhammad is permissible for the one in the state of menses, postnatal bleeding and sexual impurity. Furthermore, the Malikis permitted the menstruating woman and the woman experiencing postnatal bleeding to recite Quran and touch it for recitation for the

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[1] Radd al-Muhtar 1/483.

[2] Abu Dawud 286.

[3] Tirmidhi 131, Ibn Majah 596.

need to learn it or for fear of losing it. This rule however differs to one who is sexually impure on the basis that the sexually impure person is able to become pure by bathing and this can be done before recitation. However, the menstruating woman is unable to do this and for that reason, she is permitted to recite for the purposes of learning and teaching.[1]

ومسها إلا بغلاف

4- **To touch the Quran is forbidden unless it be with a covering** that is separate from the Quran. Allah says [No-one can touch it, except those who are pure][2]. Note: one cannot touch any part of the Quran in such a state. Such parts include the attached covering, the white part of the paper and the book itself. The Prophet ((God bless him and grant him peace)) said [No one besides the person in a state of purification is to touch the Quran].[3] It prohibited to touch the verses if they are written on various items, such as a wall, clothing or piece of treasure or in books. Moreover, it is unlawful to touch *only* the verses if they are written in book of *tafsir*, *hadith*, *fiqh* and other subjects. However, if the Quranic verses in the books of *tafsir* are more than that of the *tafsir*, then it takes the same ruling of touching the Quran. As for touching the Quran with one's sleeve, there are two view that have been reported from Imam Muhammad. The first is that it is prohibitively disliked and the second is that it is not disliked. Lastly, it is permissible to turn the pages of the Quran for recitation with certain things, such as a pen.[4]

ودخول مسجد

5- **To enter a mosque is unlawful.** This is due to the hadith that Umm Salam reported that the Prophet entered the courtyard of this mosque (i.e. the holy Prophet) and exclaimed with a loud voice, [The masjid is lawful neither for a man in a state of janaba (major ritual impurity) nor a menstruating female].[5] And the ruling for menstrual periods is like the ruling for postnatal bleeding *(nifas)*.

والطواف

6- **Tawaf around the ka'bah** is forbidden in the state of menstrual periods and postnatal bleeding, even if the tawaf accepted. This is because purity is conditional to its perfect performance. A'ishah ((God be pleased with her)) said [Perform that which the pilgrim of hajj performs, though do not make tawaf until you become clean].[6] If one performs tawaf az-Ziyarah (a pillar of hajj) in a state of *major impurity*, then one must sacrifice a cow or camel and for the tawaf deemed

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[1] Maraky al-Falah 88 | Al-Fiqh al-Islamy, Ibrahim as-Salkini 146-147.

[2] Al-Waqi'ah 79.

[3] An-Nasai, Darqutani and others. Al-Zayla'i, vol, 1, 196-98.

[4] Maraky al-Falah 89.

[5] Ibn Majah 645.

[6] Bukhari 305 / Maraky al-Falah 89.

wajib, one is to sacrifice a sheep, unless she repeats the tawaf in a state of purity.[1] Likewise, the one who makes tawaf in a state of *minor impurity* must sacrifice a sheep unless one repeats the tawaf in a state of purity.[2] The Prophet said [Tawaf around the House is like prayer, except that you may speak. So whoever speaks should speak about that which is good].[3]

والجماع

7- **Sexual intercourse** is unlawful for a menstruating woman or a woman in a state of postnatal bleeding.[4]

والاستمتاع بما تحت السرة إلى تحت الركبة

8- Likewise, **sexual enjoyment of the area beneath the naval to the bottom of her knees is unlawful.** The basis for this is the hadith: Malik informed us: Zaid Ibn Aslam informed us that a man asked the Prophet ((God bless him and grant him peace)), "What part of my wife is permissible to me while she is in her menstrual periods?" He said, "She should put on her Izar {the large cloth wrapped around the lower half of the body}, then your concern is with her upper half."[5] Imam Muhammad said: this is the verdict of Abu Hanifa. Something easier than this came from A'ishah who said [He should avoid the place of blood, and he may have whatever else].

وإذا انقطع الدم لأكثر الحيض والنفاس حل الوطء بلا غسل

If the bleeding for the menstrual period stops due to reaching its maximum duration of ten days; or the bleeding stops after forty days for postnatal bleeding (which is the maximum duration) **then it is permissible for the female to have sexual intercourse without performing the major bath.** The reason is because the verse in the Quran, in particular the word (يطهرن) has two different readings. One is recited with a *sukun* on the letter (ط) and a *damma* on the letter '*h*' and the other reading with a *shadda* on the letter (ط) and the letter '*h*' and both letters read with a *fat-ha*. The one with the *sukun* implies [*Do not approach them until they are pure*]

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[1] Al-Fiqh al-Islamy, Ibrahim as-Salkini 149.

[2] Maraky al-Falah 89.

[3] Tirmidhi in the Chapter of Hajj 960

[4] If a person does have sexual intercourse with his wife while she is menstruating, then it is recommended for him to give charity with a dinar, repent and not do it again. It has been stated that if the blood was dark, then one should donate a dinar. And if it were yellow, then one should donate half a dinar. The basis for this charity is the report in Abu Dawud 265, which was authenticated by al-Hakim; ((If a man had sexual intercourse with his wife and she is menstruating, then if her blood was red, then he is to pay one dinar and if it were yellow, then he is to give half a dinar)). It has also been mentioned that if it occurred at the beginning of the period, then the amount is one dinar, if not, then half. Additionally, it is mentioned and confirmed in al-Mabsut that if one says it is permissible to make love to his menstruating wife, then he has committed disbelief. [Maraky al-Falah 89].

[5] Muwattah Muhammad 75.

meaning the woman may not be approached until her menstrual period has ceased, and this is at the end of ten days which is the maximum for a menstrual period, for if she sees any blood after ten days, it is not regarded as menstrual periods, and for this reason intercourse is permitted without the major bath.[1] However, the other reading recited with the *shadda* implies bathing which would be read as [*And do not approach them until they purify themselves*].[2]

ولا يحل إن انقطع لدونه لتمام عادتها إلا أن تغتسل أو تتيمم وتصلي أو تصير الصلاة دينا في ذمتها ، وذلك

بأن تجد بعد الانقطاع من الوقت الذي انقطع الدم فيه زمنا يسع الغسل والتحريمة فما فوقهما ولم تغتسل

ولم تتيمم حتى خرج الوقت

If however, the bleeding stops short of the maximum duration (for menses and postnatal bleeding) **by the woman completing her regular days, sexual intercourse in not permitted unless one of the following three is satisfied:**

i) she performs the major bath, or

ii) if she is unable to perform the major bath, **then she is to perform tayammum and pray** even if it is a voluntary prayer, or

iii) until a prayer becomes due upon her. This occurs when the blood stops with her regular periods (and she waits until the least amount of time from the end of a prayer passes upon her). **This time must be sufficient enough to perform the major bath and begin the prayer by saying 'Allahu akbar,' instead**, she does ***not*** **perform the bath, nor does she perform tayammum until the time of that prayer ends.** In other words, when the blood of a menstruating woman stops and she has enough time to either bath, or offer tayammum (with a prayer) before the time of that prayer expires; though she does not do either of these and waits until the prayer time finishes thus becoming a debt upon her, then she is permitted to have sexual intercourse. And as soon as the time expires (and the time of the new prayer enters), sexual intercourse is permitted with her even though she has not bathed or offered tayammum with a prayer. However, if this time is insufficient in allowing the bath plus the saying of "Allahu akbar" for prayer (before the time expires), then sexual intercourse is not permissible until she has a bath or waits for the new prayer time to pass.

To reiterate through an example is the following: if the bleeding stops toward the middle or end of the time of *dhuhr* and there is sufficient time for her to bath, dress herself and say "Allahu akbar," then sexual intercourse is permitted when the *'asr* arrives. If there is insufficient time, then sexual intercourse is not permitted only until after sunset (*or until she bathes*).[3]

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[1] Al-Ikhtiyar 45.

[2] Al-Baqarah 222.

[3] Maraky al-Falah 90 / Radd al-Muhtar 2/403.

Therefore, after the woman's regular days have ended, she cannot have intercourse unless a) she performs the major bath; or b) offers tayammum (with a prayer); or c) a prayer time elapses on her (in that she had sufficient time to wash and pray, but did not until a new time arrived).

In addition, if the bleeding ceases short of her regular days, though is more than three days and less than ten (or less than forty days for post-natal bleeding), then sexual intercourse is not permitted with her even if she bathes until she completes her regular days. For example, her menstrual period routine may last for seven days, but it stopped at five. In this case, sexual intercourse is not permitted even if she bathes, because the return of blood is likely and this is unaffected by her bathing before the completion of her regular days. However, she is to pray and fast as a precautionary measure.[1]

In sum, there are three scenarios arising from the time the blood stops. ***The first*** is when the blood completely stops due to the woman reaching the maximum duration for menses and postnatal bleeding. ***The second*** is when the blood stops due to the woman completing her regular days; and this stoppage is short of the maximum duration for menses and postnatal bleeding. ***The third*** is when the blood stops short of her regular days.

وتقضي الحائض والنفساء الصوم دون الصلاة؛

A woman with menstrual periods or postnatal bleeding must repeat the days of fasting she missed, not prayer. A'ishah ((God be pleased with her)) said [We were encountered with it (menses and postnatal bleeding) thereupon we were ordered to make up fasting, but were not ordered to make up prayer].[2] The reason prayer is not required to be made up is because after five days which is the average days of menstrual periods, the prayers have become many and this entails great difficulty if a woman were required to make up her prayers. Allah therefore eased the matter and excused them from having to do so after their menstrual period. With respect to fasting, it is something which comes only once a year and does not pose difficulty in their makeup due to having the comfort of time before the arrival of the next Ramadan.

[*Radd al-Muhtar states*:] Menses prevents one from the attaining the status of purity (*such as the pure state required for prayer*), though there is no harm in undertaking a bath for physical hygiene, such as the bath for hajj; and the Hanafi scholars did not deem it unlawful. In-fact, they say it is recommended for the female to perform wudu for the time of each prayer and sit upon her prayer mat and make invocations and utter the *shahada* repeatedly according to what she is able so that she does not forget her routine of prayer. And in one narration, it states that it is written for her as the best prayer she used to offer. Moreover, menses prevents *i'tikaf* and its validity; and if a woman begins her *i'tikaf* in a pure state, menses

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[1] Hashia Ibn Abidin, vol 1/490 - Beirut Second Edition, Dar al-Kutub al-'Ilmiyya | Al-Fiqh al-Islamy, Ibrahim as-Salkini 152.

[2] Muslim, 335.

ruins it if interrupts her during this time. It prevents the necessary act of tawaf *as-Sadr* and renders it forbidden for a man to divorce his wife therein, though if he does, it takes affect. This is termed *talaq bid'i*. A female becomes mature as a result of her menses and her waiting period [*'idda*] is linked to her menses. With respect to the expiation [*kaffara*] of murder or the expiation of fasting sixty days, menses do not interrupt the days. However, this is contrary to the expiation of a broken oath and the like. Furthermore, is it disliked for her to imitate the fasting or not? The reply is that many of the scholars veered toward its dislike given that fasting is unlawful; therefore, imitation of it is likewise. The remaining scholars opposed this view saying that it is recommended for her to perform wudu and sit in the place she offers prayer, which is imitation of prayer, then why not with fasting.[1]

Moreover, if a woman experiences her menstrual period prior to exiting Makkah and did not offer *tawaf al-Wada'*, then it is excused from her and nothing is required of her unless she becomes pure prior to exiting the buildings of Makkah, in which case she is to return and offer the tawaf.[2]

ما يحرم بسبب الجنابة

That Which Is Unlawful In The State Of Janaba (Sexual Impurity)[3]

ويحرم بالجنابة خمسة أشياء

Five things are forbidden in a state of major impurity and they are;

الصلاة وقراءة آية من القرآن

1- **Prayer** (as the Sacred law imposes the state of purity).[4]

2- **To recite a verse from the Holy Quran is forbidden** in a state of sexual impurity [*janaba*]. The Prophet ((God bless him and grant him peace)) said [The one with the menstrual bleeding and the one in the state of *sexual impurity* must not recite anything of the Quran],[5] and this is the meaning agreed upon, in that one is not permitted to recite Quran in such a state.

ومسها إلا بغلاف ودخول مسجد والطواف

3/4/5/ **It is forbidden to touch the Quran unless it be with a covering.** This is because Allah said [None shall touch it except those who are pure].[6] **It is also unlawful to enter a mosque or to make tawaf around the holy ka'bah.** To make

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[1] Radd al-Muhtar.

[2] Al-Fiqh al-Islamy, Ibrahim as-Salkini 151.

[3] Janaba lexically means "distance" and is used metaphorically in the case of someone who is obliged to have a major bath (ghusl) because of sexual intercourse or nocturnal emissions, which makes him distant from being able to approach acts of worship.

[4] Nisa 43.

[5] Ibn Majah 596.

[6] Al-Waqi'ah 79.

tawaf around the ka'bah is unlawful in the states of sexual impurity. This is owing to the following: the tawaf (even if it is optional) is offered within the *mosque* and purity is required therein. Likewise, tawaf is included in the meaning of prayer as has been established in the sunna that the Prophet said, "Tawaf around the House is like prayer, except that you may speak. So whoever speaks should speak about that which is good."[1]

ما يحرم على المحدث

That Which Is Unlawful In The State Of Minor Impurity (Hadath)

ويحرم على المحدث ثلاثة أشياء

Three things are forbidden in the state of minor impurity;

الصلاة والطواف ومس المصحف إلا بغلاف

Prayer, tawaf around the ka'bah and to touch the Quran without a covering is unlawful as it is prohibited by Quranic text, even if it is a verse.

الإستحاضة، وحكمها

Chronic Vaginal Discharge [Istihada][2] and Its Ruling

ودم الاستحاضة كرعاف دائم لا يمنع صلاة ولا صوما ولا وطأ، وتتوضأ المستحاضة ومن به عذر كسلس بول

واستطلاق بطن لوقت كل فرض ويصلون به ما شاءوا من الفرائض والنوافل

The blood of *istihada* (chronic vaginal discharge) is like that of a permanent nose bleed. It does not prevent prayer, fasting, or intercourse. The one suffering from chronic vaginal discharge is required to perform ablution at the time of each obligatory prayer. The same applies for anyone who suffers a chronic condition *('udthr),* in that they must perform ablution at the time of every prayer, **such as a person who is unable to stop intermittent drops of urine or continually breaking wind.** Other conditions include a perpetual nose bleed or the constant flow of blood from an injury. The Prophet ((God bless him and grant him peace)) said [The women with extended bleeding is to perform wudu for each prayer].[3] **And with this ablution, one may pray as many obligatory and optional prayers as he likes**, even if during the prayer he/she is bleeding, or unable to stop urine or wind from exiting. Note: the term excused [*ma'dhur*] applies to a person who suffers from a chronic ailment for a complete prayer time and is therefore unable to maintain wudu for the time needed to offer the prayer. One is therefore excused and permitted to offer the prayer even with the presence of the illness.

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[1] Tirmidhi in the Chapter of Hajj 960. [Maraky al-Falah 91].

[2] This is known medically as "dysfunctional uterine bleeding."

[3] Ibn Majah in his Sunan.

ما يبطل به وضوء المعذور

Nullification Of Wudu For One Deemed Excused

ويبطل وضوء المعذورين بخروج الوقت فقط

The ablution of those who are excused (due to a chronic condition) **is nullified only when the time of the obligatory prayer ends,** (for example: *dhuhr* time finishes and *'asr* enters. Hence, with the entry of the *'asr*, the wudu is no longer valid). Note: if a person is excused because of his chronic condition of breaking wind, then even if this occurs during prayer, it does not invalidate it. However, if one accidentally cuts himself and bleeds, then this breaks his wudu because the exemption was based on one's chronic ailment, and not for other factors that nullify wudu. Therefore, if one is excused because of a chronic ailment, then this does not excuse other factors that are ***not*** chronic. Additionally; the time of *fajr* ends when the sun rises and not at *dhuhr* time as some may imagine. Therefore, if one is deemed excused at *fajr* time, his wudu breaks with the rising of the sun according to Imams Abu Hanifa and Muhammad.

شروط ثبوت العذر

When Is One Deemed Excused

ولا يصير معذورا حتى يستوعبه العذر وقتا كاملا ليس فيه انقطاع بقدر الوضوء والصلاة وهذا شرط ثبوته

One is *not* deemed excused until he suffers from the illness for a full prayer time (for example, from *dhuhr* to *'asr*) **and in that time there is no let up from the illness that would allow him enough time to perform ablution and offer the prayer. This is the condition for its establishment.**

وشروط دوام العذر

The Condition Required To Remain Excused

وشرط دوامه : وجوده في كل وقت بعد ذلك ولو مرة

The condition which is required for a person to be deemed as having an ongoing excuse is; **the illness must occur in every prayer time after it has been established even if it only occurs once.** Meaning, if a person establishes that he has a chronic ailment (which is to suffer from one's illness for a whole prayer time), then in order for this person to receive a continuing exemption, he is required to experience the illness at least once in every prayer time after this.

شروط انقطاع العذر

The Condition That Nullifies One's Exemption

وشرط انقطاعه : وخروج صاحبه عن كونه معذورا : خلو وقت كامل عنه

The condition that nullifies a person's exemption to offer prayer in this state – **is the absence of the illness for a complete prayer time,** for example; from *dhuhr* to *'asr*, one does not experience his illness, meaning they are no longer regarded as excused and are therefore subject to normal procedures.

باب الانجاس والطهارة عنها

The Chapter Of Najasa (Filth) And Its Purification

The chapter of najasa is divided into two categories. The first is the real or **true** ***najasa*** [*najasa haqiqiyya*], which is referred to as *khubth* (meaning repugnant or foul). This is known as all things whose essence or substance is legally regarded impure and filthy, such as urine, wine, flowing blood, stool, pus and vomit that is a mouthful.[1] The second type is the ***legal najasa*** [*najasa hukmiyya*], referred to as ***hadath***, which is an attribute that the law applies upon unclean limbs. That is, it is either minor or major impurity.

أقسام النجاسة

The Types Of Filth [Najasa]

تنقسم النجاسة إلى قسمين غليظة وخفيفة

Filth is divided into two types: heavy and light.

أمثلة من النجاسة الغليظة

Examples of heavy filth

فالغليظة كالخمر والدم المسفوح ولحم الميتة وإهابها وبول ما لا يؤكل لحمه ونجو الكلب ورجيع السباع ولعابها

وخرء الدجاج والبط والإوز وما ينقض الوضوء بخروجه من بدن الإنسان

Heavy filth includes things like alcohol, flowing blood,[2] **the meat of a dead anima and its hide (skin),**[3] **the urine of animals whose meat is unlawful** such as a human fox or wolf, **the dung of a dog as well as the dung of a predatory animal and it saliva, the droppings of a chicken, duck or swan, and whatever discharges from a person's body which nullifies wudu,** such as flowing blood, sperm, *madhi* (pre cum), menstrual period, postnatal bleeding and vomit that is a mouthful and so on.

[1] Nur al-Idah 62.

[2] The meaning of flowing blood in this point is blood that flows from its original place t another location which then requires purification. The blood which pours forth from slaughtered animal is deemed impure as Allah the Exalted mentioned in the Quran [or bloo poured forth] (Quran 6:145). Though the little trace of blood which remains on the meat is pu as well as that which remains in its veins, liver, and spleen. The blood that exits one's body, bu does not flow from its place is pure according to the correct view (for this does not nullify one wudu). Likewise, the blood of the flea, lice and ant is deemed pure even if it was a large amoun The blood of the fish and the blood of the martyr are also deemed pure. (Maraky al-Falah 95).

[3] That is, animals that have blood flowing through their body. This however excludes fis grasshoppers, and animals that do not have blood flowing through their body.

أمثلة من النجاسة الخفيفة

Examples of light filth

وأما الخفيفة ، فكبول الفرس وكذا بول ما يؤكل لحمه وخرء طير لا يؤكل

As for light filth, it includes the urine of a horse because its meat is permitted to eat even though it is disliked. However, Imam Muhammad held its meat as pure.[1] **The urine of an animal whose meat is lawful to eat** such as a sheep, **and the droppings of birds that are not lawful to eat such as a falcon, hawk and eagle.** (Refer to table 1 and 2 at the end of the chapter). Al-Hidayah, one of the main Hanafi texts mentions that if one's clothes are soiled by the urine of a horse, then it does not affect its purity, unless it is excessive according to Abu Hanifa and Abu Yusuf. This degree of excessiveness is clarified under the next heading. Muhammad on the other hand held that it does not prevent prayer even if it is excessive.

Additionally, if one's dress is soiled by the droppings of birds whose meat is unlawful, to the extent that the soiled area exceeds the size of a dirham, then prayer is permitted in it. Imam Muhammad held that it is not permissible because there is no necessity due to the absence of these birds in human habitations. Abu Yusuf argued that they send their droppings from the air and it is difficult to take preventative measures against this, hence, the necessity is established.[2]

ما يعفى عنه من الانجاس

The Degree Of Filth That Is Excused

وعفي عن قدر الدرهم من المغلظة ، وما دون ربع الثوب أو البدن من الخفيفة

Regarding heavy filth, the size of a dirham is excused.[3] The reason this is exempt is because it is not possible to avoid a little impurity and it is therefore excused. And the estimation of this unavoidable impurity is up to the size of a dirham. If however, the amount exceeds this, it is not exempt. **Light filth which has afflicted less than one quarter of one's dress or body, is excused**, though if it reaches one quarter, it is not. If it is asked – *as to which item of clothing does one measure the quarter?* The response is that it has been said that the minimum clothing a person can pray in, is that which covers his private area (i.e. from the navel to the bottom of the knees). Therefore, if light filth afflicts a person's clothes such as on the sleeve, pants and bottom, and this amount equals to a quarter of the minimum clothing for prayer or exceeds it, then it is not excused, though if it is less, it is pardoned.

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[1] Maraky al-Falah 96.

[2] Al-Hidayah 38.

[3] Imam Zufar and Imam Shafi'i said that such things are impure, whether it is more or less because the text of law has not made a distinction. The Hanafi position is that a little impurity is unable to avoid and is therefore pardoned. (Al-Hidayah).

وعفي عن رشاش بول كرؤوس الإبر

Likewise, the specks of urine such as that of the head of the pin are excused even if they come onto one's dress and body. The reason this is the case is because one cannot prevent this most of the time.

ولو ابتل فراش أو تراب نجسان من عرق نائم أو بلل قدم وظهر أثر النجاسة في البدن والقدم تنجسا ، وإلا فلا

If a bed or soil that has previously been stained by filth, becomes wet because of the sweat of one who slept on it or because of one's wet feet upon the soil, and as a result the trace of filth appears on the body or feet, then both are regarded as impure. If the trace of filth does not appear on the body or feet, then they are *not* regarded as impure. The traces of filth are colour, smell, and taste. For example, if the mattress of a bed that was previously stained by urine became wet due to the sweat of the person who slept on it, then it is deemed impure if the filth appears on one's body or clothes. The same rule applies to soil that has previously been stained by filth and then becomes wet due to the wet feet of a person.

كما لا ينجس ثوب جاف طاهر لف في ثوب نجس رطب لا ينعصر الرطب لو عصر

Likewise, a *dry clean cloth* does not become impure when wrapped in a filthy damp *cloth* which does not drip when it is squeezed. The dry cloth remains clean because the actual substance of the filth cannot separate onto the clean one since nothing drips from it if it is pressed. For example; a *damp unclean* sweater that does not drip any water if it is squeezed is accidentally placed among clothes that are clean and dry. An unaware person then wraps the filthy sweater with the dry clean clothes. The result is—*the dry clean clothes* are *not* regarded as impure with such a thing.[1]

ولا ينجس ثوب رطب بنشره على أرض نجسة يابسة فتندت منه

A wet cloth does not become impure if it is spread out on *dry unclean soil* such as dried urine, **and the earth has become damp through the wetness of the cloth.** For example, someone urinated on the ground and an hour later it dries up. One then comes along and spreads out his wet jumper on this ground where this person had urinated. He does exactly that, and as a result the ground becomes wet because of the jumper. Consequently, the jumper remains pure unless some trace of filth appears on the jumper.

ولا بريح هبت على نجاسة فأصابت الثوب إلا أن يظهر أثرها فيه

Furthermore, a cloth does not become impure if it has been struck by a wind that has blown over some filth, unless the *filth* becomes visible on the clothes. In other words, if a wind blows over some filth and thereafter blows over items of clothing or the like, the clothes are not deemed filthy or impure unless the filth is evident on the items.

[1] See table 3 at the end of this chapter.

بم تطهر النجاسة

Purification Of The Filth

ويطهر متنجس بنجاسة مرئية بزوال عينها ولو بمرة على الصحيح ولا يضر بقاء أثر شق زواله

Visible filth (even if it is heavy) **is purified by removing the actual filth itself even if this is achieved by washing it once. This is the correct view** according to Abu Hanifa. **If its removal is difficult, there is no harm if some trace remains**, such as colour or smell. And this degree of difficulty is achieved when one is required to resort to other than water for the removal of the impurity such as soap. In summary, washing is not a stipulation after the substance has been removed. There are however, many opinions on that which can be removed by one washing and that which cannot.[1]

وغير المرئية بغسلها ثلاثا والعصر كل مرة

If the filth is invisible, it is to be washed three times and wrung after each wash. Washing the invisible filth three times is obligatory. Though, according to Imam Shafi'i it is compulsory to wash seven times, and one of the times with soil for the filth of the dog.

وسائل الطهارة

Liquid Purifiers

وتطهر النجاسة عن الثوب والبدن بالماء وبكل مائع مزيل كالخل وماء الورد

Filth [*najasa*] is purified from the body and clothes with water or any liquid that removes filth, such as vinegar and rose water.

ويطهر الخف ونحوه بالدلك من نجاسة لها جرم ولو كانت رطبة

The footgear and the like are purified by rubbing them on the ground or soil **provided the filth is in a solid form even if it is moist.** The majority of the scholars hold this view. The Prophet ((God bless him and give him peace)) said, "If anyone stepped on something of harm with his khuf, then the purification of that is soil," and the Prophet ((God bless him and grant him peace)) said, "If one arrives at the mosque then he should observe his khuf, if he sees upon his khuf, something of harm or filth, then he should wipe (rub) them and pray with them."[2] Al-Hidayah maintains the following [In the case of it being moist, it is not permitted until the boot is washed] for the reason that rubbing on the soil will increase it and not purify it. However, Abu Yusuf held that if he rubs it on the soil until no effect of impurity remains, it is deemed pure.[3]

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[1] Al-Hidayah 38.

[2] Abu Dawud 385 and 650.

[3] Al-Hidayah 71.

ويطهر السيف ونحوه بالمسح

Swords and the like, such as metal objects **are purified by wiping them** either in soil or with a cloth because in this situation, the filth cannot penetrate. The Companions (God be pleased with them all) would kill a disbeliever with their swords, and then wipe them and pray.

وإذا ذهب أثر النجاسة عن الأرض وجفت جازت الصلاة عليها دون التيمم منها

When the traces of filth disappear from the ground, such as the colour and smell of urine, **and the ground becomes dry, prayer is permitted on that very ground.** The Prophet ((God bless him and grant him peace)) said [Any ground which is dry, then verily it is pure]. **However, tayammum is not permissible from that ground** because from what is determined is that the ground must be pure with respect to itself and purifying for other things, as commanded by God [Perform tayammum with clean sand or earth],[1] and this soil is pure with respect to itself, but is not purifying for other things and for this reason one cannot perform tayammum with this earth.

ويطهر ما بها من شجر و كلأ قائم بجفافه

Likewise, what is upon the earth such as trees (plants) and standing grass become pure from filth upon drying.

وتطهر نجاسة استحالت عينها كأن صارت ملحا أو احترقت بالنار

Filth is purified when its essence (that is, its substance or structure) **molecularly transforms into something else, such as a pig becoming salt,** dust or soap **or fire has turned it into ash.** Another example is wine turning into vinegar. This means that the essence of the thing is no longer in its original form.

ويطهر المني الجاف بفركه عن الثوب والبدن ويطهر الربط بغسله

Sperm [*mani*] which has become dry is purified by scratching it off the clothes and body, even if it is the discharge of a female. **And wet sperm is purified by washing it.** The Prophet ((God bless him and grant him peace)) said [Wash it if it is wet and rub it if it is dry].[2] Imam Shafi'i held that sperm is pure. However, this is contrary to the proof Abu Hanifa adopted; namely, the Prophet ((God bless him and grant him peace)) said [The dress is washed due to five things....] and among them he mentioned Mani (sperm)].[3]

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[1] Al-Maida 6.

[2] Darqutani, 1/125.

[3] Darqutani. Al-Zayla'i, vol, 1, 210. Al-Hidayah, 71.

فصل في طهارة جلد الميتة ونحوها

Purifying The Hide (Skin) Of A Dead Animal

يطهر جلد الميتة بالدباغة الحقيقية كالقرظ ، وبالحكمية كالتتريب والتشميس إلا جلد الخنزير والآدمي

Th hide (skin) of a dead animal (including that of the dog) **is purified via true taning.**[1] **This can be achieved by using *karadh*** (which are pods of the mimosa plat that are used to remove the foul smell and dampness and keep it from ruing. Salt and the peel extracts of oranges are also common in this process), **or thehide may be tanned by something that has the same legal status as true taning, such as cleansing the hide with soil or placing it in the sun.** The Prophet ((God bless him and grant him peace)) said, "Hide which has been tanned is pur."[2] **The hide of a pig however, does not become pure by any means of taning. The same applies to the skin of a human** due to its dignity.

وتطهر الذكاة الشرعية جلد غير المأكول دون لحمه على أصح ما يفتى به

Th hide of an animal whose meat is unlawful is *purified* if it is slaughtered in acordance with Islamic Law, whilst the meat remains unlawful, and this is the corect view which the fatwa coincides with. One must keep in mind that this rule exludes the pig. This means that the skin of an unlawful animal is purified wihout requiring the process of tanning provided it is slaughtered in the way Islam prescribed (though the meat remains unlawful).

Therefore, if the animal is dead, its skin is purified by true tanning or something of similar legal status. Additionally, if the animal whose meat is not lawful is slaughtered in accordance with Islamic law, the skin is rendered pure, while the meat is not. *The slaughtering in effect compensates for the tanning.*

وكل شيء لا يسري فيه الدم لا ينجس بالموت كالشعر والريش المجزوز والقرن والحافر والعظم ما لم يكن به دسم

. والعصب نجس في الصحيح

All other parts of the animal which blood does not flow through is regarded as pure such as the hair and feathers that have separated from the animal, including the horns, hoofs and bones that contain no fatty grease. However, the nerves are impure according to the soundest view.

ونافجة المسك طاهرة كالمسك وأكلة حلال

[1] The word tanned or tanning is to make an animal's skin into leather by treating it with chemicals. A tanner is the word used for a person who does this. (Oxford dictionary).

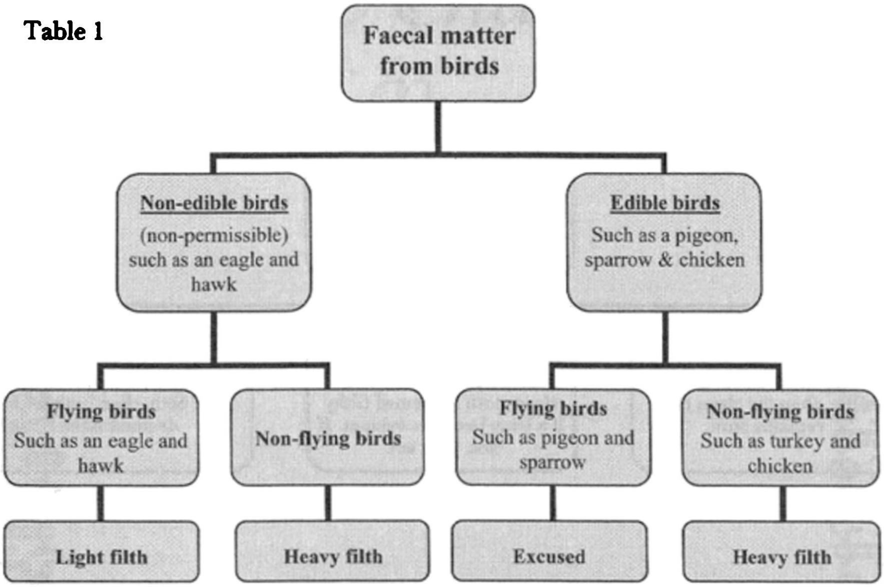
[2] At-Tirmidhi, the Book of Purification (The Tanned Hide of a Dead Animal) 1728.

Also, the skin that contains the musk is pure including the musk itself and it is permissible to eat. This musk (or perfume) is found in the body of a deer, gazelle, and antelope.[1] The author added the permissibility of eating the musk because there are many things which are regarded as pure, but they are not permitted to eat such as soil. So he clarified the verdict in regards to eating the musk.

والزباد طاهر تصح صلاة متطيب به

Civet is deemed pure. Civet is a strong smelling yellow substance secreted by a civet cat and is used in the making of perfume. This substance, which is foam or froth, is taken from a pouch under the tails of male and female civet cats. A civet cat is a small spotted and stripped carnivorous mammal found in Asia and Africa. Civet has a very strong smell and its scent is similar to musk, but has a more smoky, sweaty aroma. **It is permitted for one to pray whilst he is perfumed in it** for the reason that it has undergone transformation into an aroma. This is similar to the musk found in a gazelle. And something that has undergone transformation is regarded pure.[2]

Table 1



[1] Language of Jurisprudence, Maraky al-Falah 103.
[2] Maraky al-Falah 103.

Table 2

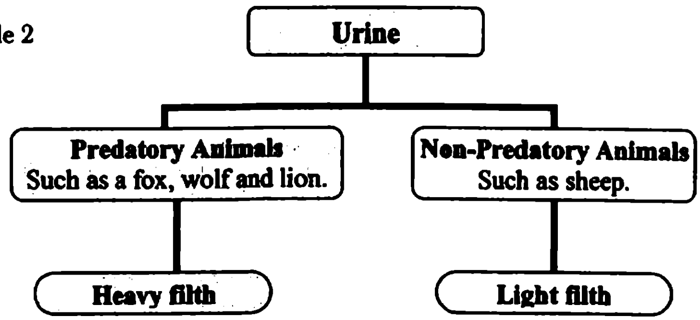
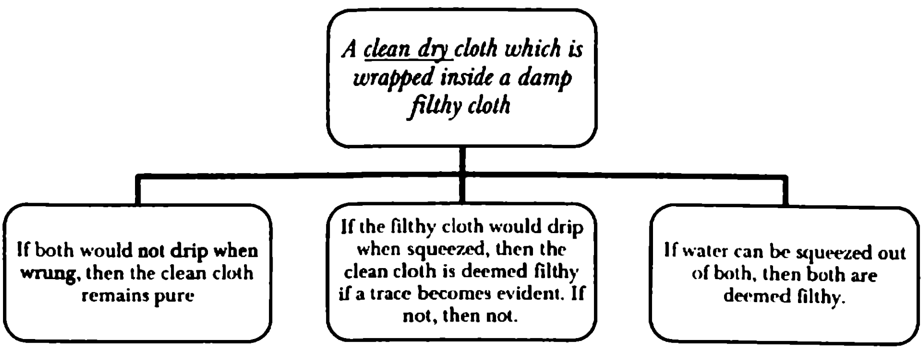


Table 3



The Chapter of Prayer

Book II: Prayer

CONTENTS:

كتاب الصلاة

The Chapter of Prayer

Linguistically, prayer means supplication, and according to Sacred law, it is specific words and actions that begin with an opening takbir [Allahu akbar] and end with finishing salams.

• Jabir related that the Prophet ((God bless him and grant him peace)) said [The link between a Muslim and disbelief is the neglect of prayer] Muslim.

• Buraydah, Allah be pleased with him, related that the Prophet ((God bless him and grant him peace)) said [The bond between us that separates us from the rest of human kind is prayer. Whoever neglects it will become a disbeliever] Ahmad and Nasai.

On the basis of these hadith and others, Imam Ahmad Ibn Hanbal held that whoever intentionally neglects prayer will become a disbeliever. Whereas Imam Shafi'i held, such a person is to be given the death penalty, whilst he is still regarded as a believer. Abu Hanifa held, that such a person is jailed indefinitely or until he repents making up the prayers.

شروط وجوبها

Conditions That Obligate Prayer

يشترط لفرضيتها ثلاثة أشياء

The conditions that render prayer obligatory are three;

الإسلام والبلوغ والعقل

Islam, maturity and sanity. A disbeliever is not subject to prayer and neither is a child until they mature.

وتؤمر بها الأولاد لسبع سنين وتضرب عليها لعشر بيد لا بخشبة

One is to order his children to pray at the age of seven, and hit them to pray at the age of ten for neglecting prayer, with the hand not with the stick. The Prophet (God bless him and grant him peace) said, "Order your children to pray at the age of seven, and discipline them at the age of ten, and separate their bedding {regarding their sleeping area}."[1] Note: hitting in this context does not mean to injure or to inflict physical pain; rather it means to use sensible and reasonable discipline. The Prophet ((God bless him and grant him peace)) forbade the hitting of the face and Allah said about the Prophet [You have not been sent except as a mercy unto mankind].

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[1] Abu Dawud 495.

سبب وجوبها

The Reason That Obligates Prayer

وأسبابها أوقاتها وتجب بأول الوقت وجوبا موسعا

The reasons that obligate the five daily prayers are its times, i.e. when the time of prayer arrives, one is obligated to pray. **And it is necessary to perform prayer at the beginning of the prayer time** which is allocated for the prayer. Note: the term *wajib muwassa'* means that the Law Maker has allocated an extended time to perform an obligation; and that such time is sufficient to perform the required act and others acts of the same kind alongside it. For example, the time for the *dhuhr* prayer is an extended time which fits both the *dhuhr* prayer as well as the performance of other prayers alongside it. It is therefore necessary to perform the prayer, such as *dhuhr* at the beginning of this time period. Furthermore, if the time becomes limited or restricted, then it means that the time is only sufficient enough for the act itself and no other. This is known as *wajib mudayyiq*. Thus, should one delay his prayer right until the end of the prayer time, such that it is just enough time for the prayer itself, one is required to offer the obligation immediately.[1]

أوقات الصلوات المفروضة

The Times Of The Obligatory Prayers

والأوقات خمسة : وقت الصبح من طلوع الفجر الصادق إلى قبيل طلوع الشمس

The times are five;

1/ The dawn prayer (*fajr*) begins at true dawn and ends just before sunrise. True dawn is when the sky around the horizon begins to increase in light, before this, a dim light sometimes appears overhead for several minutes, followed by the darkness, and this is termed the deception dawn.

ووقت الظهر من زوال الشمس إلى أن يصير ظل كل شيء مثليه أو مثله سوى ظل الاستواء واختار الثاني

الطحاوي و هو قول الصاحبين

2/ The time for the noon prayer [*dhuhr*] begins *after* the suns zenith at midday and ends when the shadow of all things upright becomes, i) twice as long or, ii) equal to the object, with an allowance made for the original shadow at noon.[2] Imam al-Tahawi opted with the second ruling and it is the saying of the two companions Imam Muhammad and Imam Abu Yusuf including the majority of the fuqaha

[1] Usul al-Fiqh, Wahbi az-Zuhayli vol, 1/57 | Maraky al-Falah 105.

[2] Note: the original shadow at noon is the measure of the shadow as it stood when the sun was at its peak. Therefore, an addition of the original shadow of that object at noon time is to be taken into account. This means that it is the double shadow plus the original shadow at noon according to Abu Hanifa; whereas according to the two companions, it is the equal shadow plus its original shadow at noon.

such as Imam Malik, Shafi'i and Ahmad Ibn Hanbal. Abu Hanifa opted with the former ruling (i.e. double) and it is the ruling that is the most correct and which the majority of Hanafi scholars have upheld. *Note; there is no dispute concerning the beginning of the dhuhr prayer, rather, it is about its end. Therefore, the dhuhr time begins when the sun moves from its meridian. There is no dispute regarding this. According to the two companions, it ends when the shadow of an object is equal to itself, after which the 'asr time enters. According to Abu Hanifa, dhuhr ends when the shadow of an object is double itself, after which the 'asr enters.*

The reason Abu Hanifa's view is maintained as the most correct, is due to caution; because according to the narration of Asad from Abu Hanifa, if the time of dhuhr *expires* when the shadow of things becomes equal to itself, then *'asr* does not arrive until the shadow becomes twice as long. There is therefore a period in between which is disused. It is therefore cautionary to pray the dhuhr before the shadow becomes equal to the object and offer the *'asr* after the shadow has become twice as long as the object. This will ensure that both prayers are offered within their timings with certainty. This is also the view in al-Mabsut.[1]

The two companions, Abu Yusuf and Muhammad used as their proof, the imamah of Jibril (Allah's peace and blessing upon him) where he led the *'asr* prayer on the first day at this time. The hadith is as follows: Ibn Abbas reported the Apostle of God as saying [Jibril led me at the House (i.e. ka'bah) twice. He prayed the noon prayer with me on the first day when the sun had passed the meridian, and prayed the afternoon prayer with me when the *shadow of all things was equal to itself.* On the second day, he prayed the noon prayer with me when the shadow was equal to itself, and prayed the afternoon prayer when the shadow of all things was double itself. Then he (Jibril) said: Between these times is time for yourself and your nation].[2]

Abu Hanifa used as his proof (for the double shadow), the hadith of the Prophet [In very hot weather delay the dhuhr prayer until it becomes (a little) cooler because the severity of heat is from the raging of the Hell-fire].[3] Abu Hanifa used this hadith to show that there is no coolness when the shadow of a thing is equal to its size especially in the Hijaz area. He also used the *last part* of the hadith of Jibril above saying that because Jibril led the dhuhr prayer when *the shadow of things was equal to itself,* is a proof that it is the time of dhuhr and not *'asr*. And it is about this point wherein the dispute lays.[4]

ووقت العصر من ابتداء الزيادة على المثل أو المثلين إلى غروب الشمس

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[1] Al-Ikhtiyar 57 | Maraky al-Falah 106.

[2] Abu Dawud 393 | At-Tirmidhi 139 | Darqutani 1/168. This hadith has been deemed sound by Ibn Khuzayma, Ibn Habban and al-Hakim in his Mustadrak 1/193. [Maraky al-Falah 106].

[3] Bukhari 536.

[4] Al-Hidayah 83.

3/ The time of the mid-afternoon prayer (*'asr*) begins when the shadow begins to increase on the object it has doubled or equalled, until sunset; meaning, the mid-afternoon prayer begins at the end of the noon prayer and ends at sunset.

والمغرب منه إلى غروب الشفق الأحمر على المفتى به

4/ The sunset prayer *(maghrib)* begins when the sun has completely set and ends when the dominant glow of red from the horizon has disappeared, and the fatwa is in accordance with this. This is the view of Abu Hanifa and the saying of Ibn Umar (Allah be pleased with him) who mentioned [The red horizon].[1] Likewise, it is related from some of the great Companions. One should bear in mind that the red colour of the horizon after sunset lasts for some time, thereafter the white colour of the horizon appears. It is about these colours that scholars have differed. The book al-Ikhtiyar another Hanafi text states that it is the white colour that determines the end of the sunset prayer and the commencement of the nightfall prayer, since it was the way of Abu Bakr, A'ishah and Mu'adth (may Allah be pleased with them all). Al-Shafi'i said that it is up to the time in which three rak'ahs can be performed, because angel Jibril (God's peace and blessing be upon him) led the prayer on both days at the same time. However, the Hanafi Madhhab relies on the words of the Prophet ((God bless him and grant him peace)) [The first timing for maghrib is when the sun sets, while the last timing is until the disappearance of the evening glow].[2]

والعشاء والوتر منه إلى الصبح

5/ The time of the nightfall prayer *('isha)* and *witr* prayer begin when the red colour of the horizon disappears from the sky, and ends a little time before true dawn, according to Abu Hanifa. The Prophet ((God bless him and grant him peace)) said [Verily, Allah has increased upon you, a prayer, and verily it is the witr prayer. So pray it between the nightfall prayer ('isha) until the rise of dawn].[3]

ولا تقدم الوتر على العشاء للترتيب اللازم: ومن لم يجد وقتهما لم يجبا عليه

The *witr* prayer is not to be performed before the *'isha* prayer due to the sequential order, which is *wajib*. If the time of the *'isha* prayer does not arrive then it is *not* compulsory to perform them (i.e. the 'isha and witr). In some countries such as Antarctica, true dawn appears before the end of sunset, meaning nightfall does not occur; and in these areas, in these times that it occurs, the 'isha prayer is not compulsory, nor is the prayer of witr because the reason that renders it compulsory is the coming of the time; yet that did not occur, and if the reason does not occur then the prayers that require the time are not compulsory.

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[1] Al-Baihaqi 1/373.

[2] At-Tirmidhi, Al-Zayla'i, vol, 1, 230.

[3] Ibn Hajar, Adiraya 1/188.

لا يجمع بين فرضين في وقت

<u>*Not Joining Two Obligatory Prayers In the One Time*</u>

ولا يجمع بين فرضين في وقت بعذر إلا في عرفة للحاج بشرط الإمام الأعظم والإحرام فيجمع بين الظهر والعصر جمع تقديم

One is not to join two obligatory prayers in the one prayer time even with an excuse such as travel or rain, for it is not valid to advance a prayer when its time has not arrived, and *neither* is it valid to delay a prayer until the arrival of another **unless it be at Arafah for hajj, with the condition that one performs the prayers with the great imam and with the condition that one is in *ihram*.** Accordingly, **the pilgrim is to join the noon prayer and mid-afternoon prayer together at midday *(dhuhr)*.** The prayer is an advanced combining. That is, when the time of dhuhr arrives, both prayers are offered with one adhan and two *iqamas* usually at Masjid Namira and no sunna is to be offered in between them.

ويجمع بين المغرب والعشاء بمزدلفة

They also join the sunset and nightfall prayer in Muzdalifah. The prayer is a delayed joining of prayers; meaning the pilgrims are to wait until the arrival of the nightfall prayer and then offer both the sunset prayer and nightfall prayer with one adhan and one iqama.

ولم تجز المغرب في طريق مزدلفة

The sunset prayer *(maghrib)* is not permitted to be prayed on the road to Muzdalifah. It is performed in Muzdalifah. The Prophet ((God bless him and grant him peace)) said [The prayer is ahead of you (i.e. at Muzdalifah].[1]

المستحب من أوقات الصلاة

<u>*Recommended Prayer Times*</u>

ويستحب الإسفار بالفجر للرجال

It is recommended for a man to pray the fajr at the glow of dawn, i.e. when the sky brightens. The Prophet ((Peace be upon him)) said [Perform the morning prayer at the shinning (time of dawn), as your reward will be greater].[2] The reason the reward will be greater at the glowing time of dawn, is because the gathering is larger, though when it is still dark, the gathering is less; and that which is offered in a larger group is superior. Additionally, Anas reported the Prophet ((God bless him and grant him peace)) saying [Whoever prays the fajr in a group, and then sits and remembers Allah until the rising of the sun after which he offers two rak'ahs, then it will be for him a reward like that of a complete hajj and complete umrah].[3] *With respect to a woman, its performance early when the dawn has not yet become bright is recommended.*

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[1] Bukhari 1669.

[2] Narrated by the five.

[3] At-Tirmidhi, the Book of Prayer 586. Maraky al-Falah 108.

والإبراد بالظهر في الصيف وتعجيله في الشتاء إلا في يوم غيم فيؤخر فيه

In summer (or hot conditions) **it is recommended to delay the noon prayer until it becomes cooler. Though in winter time (or cool conditions) it is recommended to pray it early unless it is overcast in which case it is better to delay,** in order to be certain the time has arrived. The Prophet ((God bless him and grant him peace)) said [In very hot weather, delay the noon prayer, till it becomes (a little) cooler, because the severity of the heat is from the raging of hellfire].[1] With respect to offering prayer in cool conditions [The Prophet would offer the noon prayer earlier if it was very cold].[2]

وتأخير العصر ما لم تتغير الشمس

It is recommended to delay the afternoon prayer [*'asr*] in winter and summer, **but not to the extent that the sun** (changes and) **becomes pale in colour.** The Prophet ((God bless him and give him peace)) [Would delay the afternoon prayer as long as the sun was still clear white].[3] The Prophet ((God bless him and grant him peace)) said [The following is the prayer of the hypocrite, he waits until the sun is between the horns of Satan, then he gets up and observes four rak'ahs and does not remember Allah except a little].[4]

وتعجيله في يوم الغيم

During overcast conditions it is recommended to perform the afternoon prayer earlier in order to avoid the period which is disliked to perform prayer in. The Prophet ((God bless him and grant him peace)) stated [Observe prayer earlier on a cloudy day, for one who misses the afternoon prayer has destroyed all his work].[5]

وتعجيل المغرب إلا في يوم غيم فيؤخر فيه

It is recommended to offer the sunset prayer *(maghrib)* early in winter and summer, to the extent that between the adhan and iqama should be the time equivalent to reciting three verses of Quran, **except in overcast conditions,** where it is better to delay to be sure it has arrived. The Prophet ((God bless him and grant him peace)) said [My nation will never cease to follow their natural behaviour, so long as they do not delay the sunset prayer till the stars appear in a large number].[6]

وتأخير العشاء إلى ثلث الليل وتعجيله في الغيم

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[1] Bukhari 536.

[2] Bukhari 906.

[3] Abu Dawud 408.

[4] Narrated by the group.

[5] Ahmad and Ibn Majah 694.

[6] Ibn Majah 689.

It is recommended to delay the nightfall prayer (*'isha*) until the first third of the night. The Prophet ((God bless him and grant him peace)) said [Would it not be a burden upon my nation, I would have delayed the 'isha to a third of the night or half].[1] **However, during overcast conditions, it is preferable to perform the 'isha prayer earlier** due to the minimal gathering present based on anticipated rain or hail.

و تأخير الوتر إلى آخر الليل لمن يثق بالانتباه

It is recommended to delay the witr prayer to the end of the night if one is certain he will be alert; meaning if one is sure that he will awaken from sleep and perform the witr before *fajr*, then this is preferred. The Prophet ((God bless him and grant him peace)) said [Whoever fears that they will not rise (for *tahajjud* prayer) at the end of the night, then he should pray witr at the beginning of the night and whoever intends to rise at the end of the night, then he should perform it at the end (of the night)].[2]

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في الأوقات التي تحرم فيها الصلاة والتي تكره فيه

The Prohibited And Disliked Prayer Times

ثلاثة أوقات لا يصح فيها شيء من الفرائض والواجبات التي لزمت في الذمة قبل دخولها

There are three times during which it is *not* valid to perform obligatory and necessary prayers that were due upon a person prior to these times. For example: fajr becomes a debt upon a person prior to the sun rising. Therefore, if the *fajr* prayer is delayed until the time when the sun begins to rise, it becomes invalid to perform it at such time until it has completely risen. In addition, examples of necessary prayers are vowed prayers, the prayer of tawaf, or a ruined voluntary prayer.

عند طلوع الشمس إلى أن ترتفع

The times are:

1/ **the rising of the sun until it completely rises** to the height of a spears length. Hence, the *fajr* is not valid for a person performing it whilst the sun is rising.

وعند استوائها إلى أن تزول

2/ **when the sun is at its midday zenith** (that is, its peak) prayer is not valid based on the hadith of Uqbah which is mentioned in the next point.

وعند اصفرارها إلى أن تغرب

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[1] At-Tirmidhi 167 and Ibn Majah 691.

[2] Muslim 755.

3/ **when the sun draws near to setting until it sets** (that is, from when it changes colour and its rays appear weak and pale until it sets).

Uqbah Ibn Amir said [There were three times at which the Apostle of Allah used to forbid us to pray or bury our dead. When the sun begins to rise until it has completely risen, when the sun is at its height at midday till it passes the meridian, and when the sun draws near to setting till it sets].[1]

Al-Ikhtiyar states that: i) prayer, ii) the prostration of Quranic recital and iii) the funeral prayer are not valid at the time when the sun is rising and when it is at its peak and when it is close to setting except the *'asr* prayer which is performed when it is setting. The reason this is the case with respect to the *'asr* is due to the words of the Prophet ((God bless him and grant him peace)) [Whoever offered a rak'ah of the *'asr* prayer before the sun sets, then indeed he has caught it].[2] Al-Hidayah also mentions that a severe warning is issued with respect to the *'asr* prayer in a tradition recorded by Imam Malik in which the time close to sunset has been described as one where *"The sun is between the horns of Satan."* Hence, offering the prayer at this time is offensive, though the obligation is lifted. *This is not the case at sunrise or at the time of the sun's zenith, for the prayer is not valid in these times.* Imam Shafi'i maintains that the prayer is *not* nullified.[3] Maraky al-Falah states that if one is engaged in the dawn prayer and the sun rises, the prayer is void.

ويصح أداء ما وجب فيها مع الكراهة كجنازة حضرت وسجدة آية تليت فيها كما صح عصر اليوم عند الغروب مع الكراهة

It is however permissible to perform that which *becomes* obligatory in that time, though is disliked, such as a funeral prayer that occurred in that time or a prostration verse that was recited in that particular time, not before it.[4] **Likewise, it is permissible to offer the *'asr* prayer of that day at the time of sunset, even though it is disliked.** However, one is *not* permitted to offer the *'asr* of the previous day in that particular time.[5]

والأوقات الثلاثة يكره فيها النافلة كراهة تحريم ولو كان لها سبب كالمنذور وركعتي الطواف

During these three times, it is prohibitively disliked [*makruh tahriman*] for a person to perform voluntary prayer, even if there is a reason for it, such as a vowed prayer, the prayer of tawaf, the prayer of wudu or the prayer of greeting the mosque *(tahiyyah).*

ويكره التنفل بعد طلوع الفجر بأكثر من سنته وبعد صلاته

[1] Abu Dawud 3186.

[2] Bukhari 579 and Muslim, 608 [Al-Ikhtiyar 61].

[3] Al-Hidayah 89.

[4] This means that if a person recites one of the verses of prostration in the forbidden time, then it is valid if one performs its prostration in that time. If however, a person recites the verses of prostration before the forbidden time i.e., in a permissible time and does not observe the prostration, and instead waits until the forbidden time enters, he is *not* permitted to observe it.

[5] Usul al-Fiqh-Muhammad al-Khudari.

When the dawn time arrives, it is disliked to offer voluntary prayer with the exception of its sunna (meaning when *fajr* time arrives, one is only to pray the sunna of the fajr and to offer more is disliked). **It is also disliked to offer voluntary prayer after the dawn prayer.**

وبعد صلاة العصر

It is disliked to offer voluntary prayer after the *'asr* prayer even if the sun has not yet changed colour. This is due to the hadith that the Prophet ((God bless him and grant him peace)) said [There is no prayer after the prayer of *'asr* until the sun sets, and there is no prayer after the fajr until the sun rises].[1]

وقبل صلاة المغرب

It is disliked to offer voluntary prayer before the sunset prayer *(maghrib)*. The Prophet ((God bless him and grant him peace)) said [Between the two calls is a prayer if one desires, except the maghrib].[2]

وعند خروج الخطيب حتى يفرغ من الصلاة

It is disliked to perform voluntary prayer at the time the imam emerges to conduct the Friday sermon **until he has completed the prayer.** It is disliked on the basis that to listen to the imam is obligatory and to instruct good whilst the imam is conducting the sermon is not lawful.[3] The Prophet ((God bless him and give him peace)) said ((If you said to your companion 'quiet' and the imam is giving the sermon, then you have indeed commit an evil act)).[4] This rule applies even if it is the sermon of Eid, hajj, marriage, upon the conclusion of completing the Quran, the lunar eclipse and when seeking rain.[5]

Some may argue that there was an incident at the time of the Prophet concerning Sulayk al-Ghatafani which is as follows; Once, while the Messenger was sitting on the pulpit waiting to begin the sermon, a companion named Sulayk Ibn Hudba al-Ghatafani entered the masjid in his torn clothing. The Messenger after seeing his poverty stricken state, ordered him to stand and pray. He did this so that the other Companions could also observe his condition. The Messenger remained silent until he had finished his prayer; then after seeing that the other Companions had noticed him, he encouraged them to contribute to him, which they did with open hearts. It is clearly evident that this was a special circumstance and cannot be generally applicable as it was issued only once to this particular Companion.

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[1] Bukhari 581.

[2] Tabarani in his Awsat 8/179.

[3] Maraky al-Falah 114, pt 3.

[4] Bukhari 394.

[5] Maraky al-Falah 114.

Another point to bear in mind is, the two rak'ahs of entering the mosque are to be offered immediately upon entering the masjid, prior to sitting down. Though, it is clear in some of the narrations that Sulayk had sat down upon his arrival. One narration states that; Sulayk sat down without praying, and the Messenger asked him if he had performed two rak'ahs? He replied that he had not, so the Messenger ordered him to stand and perform two rak'ahs. This confirms that he was ordered to stand up and pray to reveal his condition to the other Companions.[1]

وعند الإقامة إلا سنة الفجر وقبل العيد ولو في المنزل وبعده في المسجد

It is disliked to offer voluntary prayer at the time of iqama except the sunna of the dawn prayer; provided one is certain he will not miss the group prayer. The basis for this is that it is one of the most emphasised *sunan* and because it yields great rewards as the Prophet ((God bless him and grant him peace)) said [The rak'ahs of fajr are better than the world and what it contains].[2] He also said [Pray the rak'ahs of dawn, even if you are trampled on (or driven away) by horses].[3] If however, a person will miss the fajr due to the sunna, then he is to join the imam and relinquish the sunna. **It is disliked to offer voluntary prayer before the Eid prayer even if it is offered at home and likewise it is disliked after Eid prayer in the mosque** because at this time, one is to embrace his brothers.

وبين الجمعين في عرفة ومزدلفة

When combining the prayers in *Arafah* and *Muzdalifah*, it is disliked to perform voluntary prayer between them, not even with the sunna of the *dhuhr* or the sunna of *maghrib*, because the Prophet ((God bless him and grant him peace)) [Would not observe voluntary prayers between them].[4]

وعند ضيق وقت المكتوبة

It is disliked for a person to offer voluntary prayer when there is minimal time left to perform the obligatory one because one may miss the obligatory prayer from its designated time.

ومدافعة الأخبثين

It is disliked to offer prayer when holding back the need to urinate or defecate. Whoever performs prayer resisting the urge of such things, then one's concentration will not be complete and it will preoccupy one's mind and attention and is therefore disliked.

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[1] Bukhari, 930.

[2] Muslim, 725.

[3] Abu Dawud, 1253.

[4] Ibn Shaybah in his Musnad, 3/388.

وحضور طعام تتوقه نفسه وما يشغل البال ويخل بالخشوع

Prayer is disliked in the presence of food which one desires and craves for. In addition, anything which distracts one's mind and reduces concentration in prayer is disliked. A'ishah reported that the Prophet said [No prayer can be (rightly said) when the food is there before the worshipper, or when he is prompted by the call of nature].[1]

باب الأذان

The Chapter Of Adhan

Linguistically, *adhan* means to inform. Though according to the Sacred Law, it is to carry out and notify people about the entrance of the time of prayer with specific sayings. The adhan became part of Islamic law in the 1st Year of Hijra. Though, some held it was the second. Before the introduction of *adhan*, the people would be informed of the entrance of prayer by calls in the street announcing, "prayer-prayer." Thereafter, the Prophet ((God bless him and grant him peace)) gathered his Companions for consultation about what they could use to inform the Muslims about the time of prayer. One of the Companions suggested the bell, but the others including the Prophet ((God bless him and grant him peace)) disliked this for they did not want to enact what the Christians observe. And one of them suggested to burn a fire, but the Prophet ((God bless him and grant him peace)) did not want to imitate the fire worshippers and they did not end up agreeing on anything. Then later that night Abdullah Ibn Zaid had a dream and during this dream he saw a man teaching him the sayings of *adhan*. When he woke, he mentioned what had occurred to the Messenger of God ((God bless him and grant him peace)) who became very pleased with this. The Prophet then ordered him to mention the sayings to Bilal in order that he may utter them aloud, and this is what Bilal did. From that time onwards, the *adhan* became an established sunna for the prescribed prayers.

حكم الأذان والإقامة

The Ruling Of The Call To Prayer (Adhan) And The Call To Commence (Iqama)

سن الأذان والإقامة سنة مؤكدة للفرائض ولو منفردا أداء أو قضاء سفرا أو حضرا للرجال وكرها للنساء

The call to prayer [*adhan*] and the call to commence [*iqama*] are an emphasized sunna for the obligatory prayers even if one offers the prayer alone, or whether one is performing the current prayer or making up a missed prayer or whether one is a traveller or resident. In addition, it is disliked for women to call *adhan* or *iqama*. Abu Hanifa said that if people of a city offer the congregational prayer without the adhan being called for the prayer, then they have acted contrary to

[1] Muslim 660.

the sunna of the Prophet (God bless him and grant him peace) and have sinned. It is also maintained by Imam Muhammad that the adhan is *wajib* and that if the residents of a land agree to give it up we would fight them. And the common ground between these two rulings is that an emphasised sunna acts like a *wajib* with respect to the sin one receives for its omission.[1] The Prophet (God bless him and grant him peace) said [And one of you should pronounce the adhan for prayer when its time is due].[2]

Moreover, it is not sunna to call the adhan for the funeral prayer, Eid prayer, solar eclipse prayer, rain prayer, *tarawih* or the *rawatib* sunan, and neither is it sunna for the witr prayer even though it is *wajib* to perform.[3]

With respect to woman calling the adhan and iqama, it has been related from Ibn Umar (God be pleased with him) that it is disliked for women to call the *adhan* or *iqama*, and there is no room for opinion in this judgement. Thus, he surely heard this from the Prophet (God bless him and grant him peace) and he made clear, that a woman's situation is based on her being discreet and that their raised voices is a temptation and that the iqama is predominantly made with a raised voice.

ألفاظ الأذان والإقامة

The Sayings Of The Adhan And Iqama

ويكبر في أوله أربعا ويثني تكبير آخره كباقي ألفاظه. ولا ترجيع في الشهادتين

The person announcing the adhan is to recite *'Allahu akbar'* four times at the start and twice at the end, and likewise he is to recite the remainder of the sayings twice. There is no repetition [*tarji'*] in the two shahada's, which is to pronounce the shahada's twice in a silent tone and then call them aloud for Bilal ((God be pleased with him)) did not observe this practice.[4] However, the Maliki and Shafi'i view is that it is sunna to utter the two shahada's in a low tone that is heard by the people before calling them aloud.

والإقامة مثله

The iqama is like the adhan with respect to its words.

ويزيد بعد فلاح الفجر: الصلاة خير من النوم مرتين وبعد فلاح الإقامة : قد قامت الصلاة مرتين

During the *adhan* for the dawn prayer after the caller recites *'come to success,'* he is to add the words *'prayer is better than sleep'* twice. And after uttering *'come to success'* in the iqama, he is to add the words *'the prayer is commencing, the prayer is commencing.'* This is what the angel descending from the sky did, and this is well known.

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[1] Al-Ikhtiyar 64.

[2] Bukhari 628.

[3] Kitab al-Fiqh 'Ala Madhahib al-Arba'a vol.1, 283.

[4] Maraky al-Falah 118.

ما يستحب للمؤذن

Recommended Actions For The Caller

ويتمهل في الأذان ويسرع في الإقامة ، ولا يجزىء بالفارسية وإن علم أنه أذان في الأظهر

It is recommended for the caller to pronounce the *adhan* without haste by taking a short pause between every two words, and to utter the *iqama* speedily. It is not permitted to call the adhan in Persian or any other language except Arabic, even if it is known and evident that it is the *adhan*.

ويستحب أن يكون المؤذن صالحا عالما بالسنة وأوقات الصلاة

It is recommended that the caller be righteous since he is like a trustee of the religion, and that he have knowledge in the *sunan* of adhan, and knowledge of the prayer times.

وعلى وضوء مستقبل القبلة إلا أن يكون راكبا ، وأن يجعل إصبعيه في أذنيه وأن يحول وجهه يمينا بالصلاة

ويسارا بالفلاح

It is recommended that the caller be in a state of ablution and that he face the direction of prayer except if he is riding. It is recommended that he place his fingers in his ears and turn his head (not the chest or feet) to the right when saying *'come to prayer'* and to the left when saying *'come to success.'* This is what the Prophet ((God bless him and grant him peace)) ordered Bilal to do.

ويستدير في صومعته

In addition, it is recommended to revolve (or turn in a circular fashion) within the minaret as one is calling the adhan so people in every direction can hear the adhan.

ويفصل بين الأذان والإقامة بقدر ما يحضر الملازمون للصلاة

مع مراعاة الوقت المستحب

It is recommended to allocate a sufficient amount of time between the *adhan* and *iqama* that allows the regular people to attend the congregation, taking into consideration the recommended time to pray in. The Prophet ((God bless him and grant him peace)) said to Bilal [Make room between the adhan and iqama so that the one making ablution finishes his need and the one eating finishes his meal].[1]

وفي المغرب بسكتة قدر قراءة ثلاث آيات قصار، أو ثلاث خطوات ويثوب كقوله بعد الأذان : الصلاة

الصلاة يا مصلين.

[1] At-Tirmidhi, the Book of Prayer, 195,143.

With regards to the sunset prayer (*maghrib*), the caller is to separate between the *adhan* and *iqama* the amount of time it takes to recite three short verses or the time it takes to walk three steps and he is to repeat some of the sayings after the adhan, such as *'prayer, prayer, O worshippers,'* or *'rise to prayer.'*

ما يكره فيهما

<u>That Which Is Disliked In The Adhan And Iqama</u>

ويكره التلحين ، وإقامة المحدث ، وأذانه

It is disliked to melodise the adhan, i.e. to sing the call in a way that changes the words or to commit mistakes in the expressions. **It is disliked for the caller to be in a state of minor impurity when announcing the *adhan* and *iqama*.** Though if one does so, it is valid.

وأذان الجنب ، وصبي لا يعقل ، ومجنون ، وسكران ، وامرأة ، وفاسق ، وقاعد

It is disliked if the announcer of *adhan* is, i) in a state of major ritual impurity (janaba), ii) a boy who has not yet acquired intellect, iii) insane or under the influence of alcohol, iv) a female or v) an immoral person. And it is disliked for *adhan* to be called whilst sitting.

والكلام في خلال الأذان وفي الإقامة ، ويستحب إعادته دون الإقامة

It is disliked for the caller to speak during the *adhan* and the *iqama* even if it was for returning salam. **And if he does so during the** *adhan,* **it is recommended to repeat it, though not the *iqama*.**

ويكرهان لظهر يوم الجمعة في المصر

It is disliked to call adhan and iqama for the noon prayer *(dhuhr)* on Friday in the city. This means, people in the city who have missed the Friday assembly prayer with the imam, are not to call the adhan and iqama for the *dhuhr* prayer, regardless if one has missed the prayer due to a reason or not and regardless if one is performing the prayer in a group or not. Also, this dislike is specifically targeted at city locations where the Friday prayer is held, because the village dwellers who live outside the city are *not* required to attend the Friday prayer according to the Hanafi Madhhab which means it is *not* disliked for these people to call adhan and iqama in their area and pray dhuhr, because for them it is the prescribed prayer of that time.

الأذان والإقامة للفوائت

Calling The Adhan And Iqama For Missed Prayers

ويؤذن للفائتة ويقيم

The one who misses a prayer is to announce the *adhan* and the *iqama prior* to the makeup of that prayer, as the Prophet ordered Bilal to do when he and the group missed the fajr prayer after resting on the way back from Khaybar.[1]

وكذا لأول الفوائت. وكره ترك الإقامة دون الأذان في البواقي إن اتحد مجلس القضاء

Equally, when one has missed a number of prayers, he is to call the adhan for the first and make the iqama. However, after calling the adhan and iqama for the first of the missed prayers, it is disliked if a person abandons the iqama in the remainder of the prayers, though not the adhan, this is provided that the missed prayers are being performed in the same sitting. Meaning, if one called adhan and iqama in the first prayer, and then did not call adhan for the rest of the prayers, it is approved, but if one abandoned the iqama for the rest of the prayers, it is disliked. Though to conform fully, one should call the adhan and iqama for all of the prayers as the Prophet performed. When the non-believers kept the Prophet ((God bless him and grant him peace)) engaged in the battle of Khandak (Trench) and he missed four prayers as a result, namely the dhuhr, 'asr, maghrib, and 'isha. He prayed them in order and ordered Bilal (God be pleased with them) to make adhan and iqama for every prayer.[2]

ما يصنعه سامع الأذان

What The Listener Of The Adhan Should Say

وإذا سمع المسنون منه أمسك وقال مثله وحوقل في الحيعلتين وقال (صدقت وبررت) أو (ما شاء الله) عند قول

المؤذن: الصلاة خير من النوم

If one hears the adhan being announced according to the sunna, in that there are no mistakes or singing etc, **he is to cease his actions and is to utter the same words as the caller, though when he hears the words, *'come to prayer'* and *'come to success,'* he is to say, *'there is no power or strength except with Allah.'* And in the adhan at dawn, after the caller says, *'prayer is better than sleep,'* one is to say, *'you have spoken the truth and have done good'* or *'whatever Allah wills.'***

ثم دعا بالوسيلة فيقول: اللهم رب هذه الدعوة التامة والصلاة القائمة آت سيدنا محمدا الوسيلة والفضيلة وابعثه

مقاما محمودا الذي وعدته.

[1] Muwattah of Malik 1/14.

[2] At-Tirmidhi 179, an-Nasai 661.

Upon this, one is to supplicate and say, "O Allah, Lord of this comprehensive invitation and enduring prayer, grant Muhammad a place near to You, an excellence and exalted degree and bestow on him the praiseworthy station that You have promised him."

باب شروط الصلاة وأركانها

Conditions Of The Prayer And Its Pillars

ماتتوقف صحة الصلاة عليه

That Which Is Required For The Validity Of Prayer

لابد لصحة الصلاة من سبعة وعشرين شيئا

In order for prayer to be valid, the following twenty-seven conditions must be satisfied;

الطهارة من الحدث وطهارة الجسد والثوب والمكان من نجس غير معفو عنه حتى موضع القدمين واليدين والركبتين والجبهة على الأصح

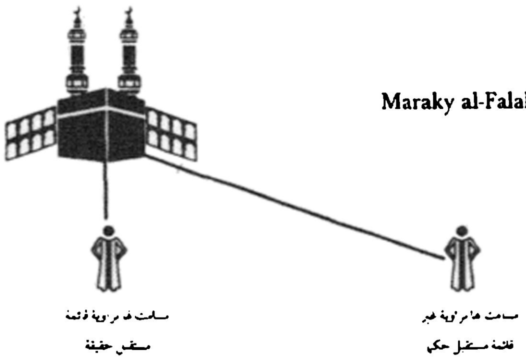
Purification from the state of minor and major impurity. **In addition, purity of one's body, clothes, and place of prayer from filth which is not excusable** is a necessary condition. It has been described earlier that the amount less than that of a dirham is excused for heavy filth; and for light filth, it is less than one quarter of the clothes; **and the area where the feet, hands, knees and forehead are placed must also be pure**, for if there is filth, the prayer is not valid. **This is most correct opinion** as held by Abu Hanifa.

وستر العورة ولا يضر نظرها من جيبه وأسفل ذيله

Clothing one's nakedness and concealing the nakedness from view on all sides is conditional for the validity of prayer, **and it is of no harm if one's nakedness can be seen** by himself or others **from the opening of the neck of the clothes or from below.**

واستقبال القبلة فللمكي المشاهد فرضه إصابة عينها ولغير المشاهد جهتها ولو بمكة على الصحيح

It is conditional to face the direction of prayer [*qibla*]. Accordingly, the one living in Makkah who can see the ka'bah is required to face it directly. Whereas the one who cannot see the ka'bah must face its direction (i.e. its location) **even if he is in Makkah, and this is the most correct view.** With respect to the diagram below, the person seen to the far right is legally regarded as facing the qibla, while the person in the middle is truly facing it.



Maraky al-Falah 124

The arrival of the time of prayer is conditional for the validity of prayer **and one must be certain its time has arrived;** consequently, if one prays and is not certain if the time of prayer has arrived, the prayer is null and void even if the prayer time had arrived.[1]

والنية

To form an intention is conditional. This consists of having a firm resolve in one's mind in order to distinguish one act of worship from another.

والتحريمة بلا فاصل

To say the opening Allahu akbar without separating it from one's intention is conditional for the prayer to be correct. Note: a person may make his intention at the opening Allahu akbar; or one may make his intention and then say the opening Allahu akbar without a long gap between them. Both are valid according to the Hanafi Madhhab.

والإتيان بالتحريمة قائما قبل انحنائه للركوع

The second part of the conditions that validates the opening Allahu akbar is; **one must utter the opening Allahu akbar while standing before bending for the bow** [*ruku'*]. It is stated in the book al-Burhan: If a person attends the prayer and finds the imam bowing and this person first bends his back and then offers the takbir, if he was closer to standing; then his entry into the prayer is valid.

وعدم تأخير النية عن التحريمة

The third part of the conditions that validates the opening Allahu akbar is; **one must not delay the intention from the opening *Allahu akbar*.**

والنطق بالتحريمة بحيث يسمع نفسه على الأصح

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[1] Maraky al-Falah 125.

The fourth part of the conditions that validates the opening Allahu akbar is; **one must utter the opening Allahu akbar to the degree that he can hear himself according to the correct view.**

ونية المتابعة للمقتدي

The fifth part of the conditions that validates the opening Allahu akbar is; **the follower must intend being linked with his imam.**

وتعيين الفرض

The sixth part of the conditions that validates the opening Allahu akbar is; **one must specify the obligatory prayer being offered**. This means, if one wishes to pray an obligatory prayer, such as the *dhuhr* or *'asr* prayer, then he must intend that particular obligatory prayer, such as intending to pray the *dhuhr* for example. This applies even if the prayer is current or a missed prayer. It is not sufficient to intend an obligatory prayer without specifying which one. Additionally, this specification is conditional at the commencement, such that if a person intends a specific obligatory prayer and then commences it and thereafter forgets and completes the prayer under the assumption that it is a voluntary one, then it counts as the obligatory prayer and he is thereby relieved of that obligation.[1]

وتعيين الواجب

The seventh part of the conditions that validates the opening Allahu akbar is: **one must specifically intend which *wajib* prayer he is praying**, such as the witr prayer, the rak'ahs of tawaf and a voluntary prayer that was ruined in the past.

ولا يشترط التعيين في النفل

It is not a condition to specify the intention for voluntary prayer even if it is the sunna of the dawn prayer.

والقيام في غير النفل

It is conditional and one of the pillars to **stand in all the obligatory prayers, though not for voluntary prayer.**

والقراءة ولو آية في ركعتي الفرض

It is obligatory **to recite at least one verse of Quran in two rak'ahs of the obligatory prayer,** as held by Abu Hanifa, though Imams Muhammad and Abu Yusuf held that the minimum is three verses. Allah said [Read of the Quran, as much as may be easy for you].[2] This verse commands that some portion of the Quran be recited during the prayer. It does not confine the obligation to surah al-Fatiha, but rather indicates that any portion of the Quran can be recited to meet the obligation. Abu Yusuf and Muhammad said that to memorise the bare

[1] Maraky al-Falah 128.

[2] Muzzammil 20

minimum (*of what is required for prayer*) is individually obligatory [*fard 'ain*] and the memorisation of the Fatiha and a surah is *wajib* upon all Muslims and the memorisation of the entire Quran is a communal obligation [*fard kifaya*].[1]

و كل النفل والوتر

It is obligatory to recite Quran in all the rak'ahs of voluntary prayer and in all the rak'ahs of the witr prayer.

ولم يتعين شيء من القرآن لصحة الصلاة

There are no specific verses in the Quran that one must recite in order for the prayer to be valid. One may therefore recite any verse from the Quran, and the prayer is valid. Though it has previously been stated that the Fatiha is *wajib* to recite.

ولا يقرأ المؤتم بل يستمع وينصت

The person following the imam in prayer must not recite Quran; rather he must listen and remain silent whether the imam is reading aloud or silently. Allah said ((When the Quran is read, listen to it with attention and remain silent)).[2] The Prophet (God bless him and grant him peace) said [The imams recitation is sufficient for you, (whether he is reciting) aloud or silently].[3] Also, Abu Hanifa and his companions as well as Imam Malik and Imam Ahmad Ibn Hanbal agreed that the prayer is valid for a follower who does not recite anything behind the imam. Also, the Prophet (God bless him and grant him peace) said [Whoever has an imam, the recitation of the imam is recitation for the (follower)].[4]

Imam Muhammad said in a hadith: Isra'il informed us, Musa Ibn Abi A'ishah narrated to me from Abdullah Ibn Shadda Ibn Had who said, The Messenger of Allah led the *'asr* prayer and a man recited behind him, so the man next to him nudged him. When he had prayed he said, "Why did you nudge me?" He replied, "The Messenger of Allah was leading you, so I loathe that you should recite behind him." Hearing this, the Prophet said, "Whoever prays with an imam, then the imams recitation suffices for him."[5] Another narration states: Malik informed us: Nafi' narrated to us from Ibn Umar that when asked, "Should anyone read with the imam?" He would say, "When one of you prays with the imam, the recitation of the imam is sufficient for him," and Ibn Umar never used to read with the imam.[6]

وإن قرأ كره تحريما

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[1] Maraky al-Falah 129.

[2] Al-A'raf 204

[3] Darqutani in his Sunan 1/331.

[4] Ibn Majah 850.

[5] Muwattah Imam Muhammad 125.

[6] Muwattah Imam Muhammad 112.

And if the follower behind the imam does recite Quran, whether it is the Fatiha or another surah, **it is prohibitively disliked because there is prohibition on the matter**. The Prophet ((God bless him and grant him peace)) said [No-one from you should read anything from the Quran, if it were being recited aloud].[1] And the verse from the Quran and hadith that have passed previously are sufficient proof.

والركوع والسجود على ما يجد حجمه وتستقر عليه جبهته

It is obligatory **to prostrate on something which the forehead can completely stabilise**; prostration is not permitted on things such as snow, hay, or rice in which the head cannot stabilise or settle.

ولو على كفه أو طرف ثوبه إن طهر محل وضعه

Prostration is permitted on the palm of the hand of the one praying **and on the edge of his clothes provided the place where the hand or clothes are placed is pure.** Note: if one performs prostration on the edge of his clothes or palm of his hand without a reason, it is disliked. This dislike also applies to one who performs prostration on the wrapping of his turban without a reason. If however, the wrapping of the turban is completely on the scalp [*without any part it touching the forehead*] and one prostrates on the wrapping only, then it is not valid.[2]

وسجد وجوبا بما صلب من أنفه وبجبهته ولا يصح الاقتصار على الأنف إلا من عذر بالجبهة

Prostration must be performed with the rigid part of the nose and forehead and it is not permissible to restrict the prostration to the nose only, unless there is a reason with respect to the forehead, such as an injury upon it. This is the view of the two companions of Abu Hanifa.

وعدم ارتفاع محل السجود عن موضع القدمين بأكثر من نصف ذراع وإن زاد على نصف ذراع لم يجز

السجود إلا لزحمة سجد فيها على ظهر مصل صلاته

In addition to the conditions that validate prostration is, **one must not raise the level of prostration higher than the level of the feet by more than half an arm's length; and if one increases over half a arms length, then the prostration is invalid unless there is a jam (crowd) in which case one may prostrate on the back of someone who is offering the same prayer.**

ووضع اليدين والركبتين في الصحيح ، ووضع شيء من أصابع الرجلين حال السجود على الأرض ولا

يكفي وضع ظاهر القدم

[1] Darqutani 1/320.

[2] Maraky al-Falah 131.

Also from the conditions that validate prostration is: **one must place the hands and knees on the ground according to the most correct view.** Note, the author clarified this point saying that the minimum requirement for the validity of prostration is the placement of one hand and one of the knees on the ground.[1] Though this is not the perfect manner of how it is performed. **Additionally, part of the toes of the feet must be placed on the ground during prostration, and it is not sufficient to place the top part of the foot on the ground during prostration.** The Prophet ((God bless him and give him peace)) said [I have been ordered to prostrate on seven bones, i.e. on the forehead and the Prophet pointed towards his nose, hands, knees and the toes of both feet].[2]

وتقديم الركوع على السجود

Bowing must precede prostration. This is conditional for the validity of prayer just like recitation is to precede bowing.

والرفع من السجود إلى قرب القعود على الأصح

It is conditional **to rise from prostration to a position close to sitting according to the correct view** from Abu Hanifa who held, that one who is near or close to the position of sitting is regarded as sitting.

والعود إلى السجود

To return and perform the second prostration is obligatory. The second prostration is obligatory like the first prostration according to scholars of *Ahl as-Sunna wal-Jama'a.*

والقعود الأخير قدر التشهد

It is obligatory to **perform the last sitting for the time equivalent to reading the tashahhud** according to the consensus of the scholars due to the hadith of Ibn Mas'ud when he taught the tashahhud to others saying [If you said this [i.e. the tashahhud] or performed this, then you have completed prayer, if you desire to rise, then rise and if you desire to remain sitting, then sit].[3]

وتأخيره عن الأركان

To delay the last sitting until one has completed all the pillars of prayer is conditional for the prayer's validity. Consider the following: if the one praying recites the last tashahhud and then remembers the omission of a prostration in one of the rak'ahs, then he is to perform it and must then repeat the last sitting again because the prostration which was neglected is an original pillar of prayer.

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[1] Maraky al-Falah 131.

[2] Bukhari 812.

[3] Abu Dawud 965.

وأداؤها مستيقظا

The pillars must be performed while one is conscious. This is conditional for the validity of prayer.

ومعرفة كيفية الصلاة وما فيها من الخصال المفروضة على وجه يميزها من الخصال المسنونة. واعتقاد أنها فرض حتى لايتنفل بمفروض

In order for the prayer to be valid, it is conditional to have **full knowledge of the procedure of prayer and all its obligatory characteristics, a knowledge which allows a person to differentiate these characteristics from the sunna characteristics. One must *also* have conviction that the prayer being offered is obligatory, so that he does not perform a voluntary prayer instead of an obligatory one**; and so that he does not believe that the total of four rak'ahs at dawn are all obligatory, or that the three rak'ahs at maghrib followed by the two sunna making five in total are all obligatory. The reason this is essential is because a voluntary prayer can be achieved with an obligatory intention, but not vice versa.

أركان الصلاة

The Pillars Of Prayer [1]

والأركان من المذكورات أربعة

From the conditions mentioned above, four are regarded as pillars; they are:

القيام والقراءة والركوع والسجود وقيل القعود الأخير مقدار التشهد

1- Standing in prayer, 2- Recitation of Quran, 3- Bowing [*ruku*] and 4- Prostration [*sujud*]. It has been said that the last sitting remaining the time equivalent to reciting the tashahhud is also a pillar of prayer.

[1] Note: It is important to understand the difference between conditions [*shart*] and pillars [*rukun*]. There are similarities and differences between the two. The difference between the two is that a pillar element is always part of the act, while the condition is external to it. For example: bowing is a pillar of prayer and is part of it, while ablution is a condition and is external to it. Another example is the one performing hajj; for one must first satisfy the condition of being in the state of ihram before he can proceed to one of its pillars, such as the standing at Arafah.

شرائط الصلاة

Conditions Of Prayer

وباقيها شرائط بعضها شرط لصحة الشروع في الصلاة وهو ما كان خارجها وغيره شرط لدوام صحته

The remainder are conditions, some of which validate the entrance into prayer, and these are observed prior to prayer, such as purity from filth, covering one's nakedness, facing qibla, the arrival of the time of prayer, intention and the opening takbir, **while other conditions validate the continuance of the prayer**, such as recitation of Quran whilst standing, to delay prostration until one has performed the bowing and to be awake and conscious. *Therefore, there are four pillars of prayer, and anything besides this is either wajib, sunna or conditional.*

في فروع تتعلق بشروط الصلاة

Branches Associated With The Conditions Of Prayer

ما يتعلق بشرط الطهارة

That Which Is Associated With The Condition Of Purity

تجوز الصلاة على لبد، وجهه الأعلى طاهر والأسفل نجس

Prayer is permitted upon *libd* (which is anything that is thick and possible to be split into two with its length and breadth remaining, such as a wooden board or plank) **with the upper part being pure while the part underneath is the filthy side.**[1]

وعلى ثوب طاهر وبطانته نجسة إذا كان غير مضرب

Prayer is also permitted on a clean cloth (or an item of clothing) with the upper part being the clean side **while the inside layer** (or lining) **is the filthy side; this is provided that the inside layer is not stitched to the outer layer.** An example includes a coat or something similar which normally has an inside lining that is connected to the outer layer via slight stitching on the edges, though is not completely stitched together. This being the case, if it is placed on the ground and prayed upon, the upper part being the clean side while the inside layer is the unclean side, then it is valid because it is like two items on top of each other. However, if they completely stitched together, then it is deemed as one item and therefore invalid.

وعلى طرف طاهر وإن تحرك الطرف النجس بحركته على الصحيح

Prayer is also permitted on the clean side of a mat, clothes or carpet even if the filthy side moves when the clean side does; and this is the most correct opinion.

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[1] Nur al-Idah 84.

ولو تنجس أحد طرفي عمامته فألقاه وأبقى الطاهر على رأسه ولم يتحرك النجس بحركته جازت صلاته وإن تحرك لا تجوز

If one of the sides of a person's turban is struck with filth during prayer, thereupon he throws the filthy part of the turban on the ground while the pure section remains on his head; the prayer is deemed valid provided the filthy part does not move when the clean side moves, although if it does, the prayer is invalid.

وفاقد ما يزيل به النجاسة يصلي معها ولا إعادة عليه

One who has no means by which to remove the filth from his clothes, is permitted to pray with that filth, and no repetition of the prayer is required for the reason that Allah Almighty does not burden the individual except what is within his ability. Furthermore, it is better to pray in filthy clothes as opposed to praying naked.

ما يتعلق بشرط ستر العورة

That Which Is Related To The Condition Of Covering One's Nakedness

ولا(إعادة) على فاقد ما يستر عورته ولو حريرا أو حشيشا أو طينا ، فان وجده ولو بالإباحة وربعه طاهر لا تصح

صلاته عاريا. وخير إن طهر أقل من ربعه

Likewise, if one finds nothing to cover his nakedness, not even silk, grass or mud and therefore he prays naked, no repetition of the prayer is required. Though if one finds silk, he is required to use it under these circumstances, because the requirement of covering one's nakedness is stronger than the prevention of wearing it in this situation. And if one finds something to cover his nakedness, and one fourth of it is clean, whilst three quarters are not, prayer is *not* permitted naked, and the clothes must be used.[1] If however, less than a quarter is clean, then one has the option of using it or performing the prayer naked.

وصلاته في ثوب نجس الكل أحب من صلاته عريانا

Prayer in clothes that are completely filthy is more preferable than praying naked.

ولو وجد ما يستر بعض العورة وجب استعماله ويستر القبل والدبر

If a person finds anything with which he can cover part of his nakedness, then it is necessary to use it and cover the genitals and anus if that is all one has enough for.

فإن لم يستر إلا أحدهما قيل يستر الدبر وقيل القبل

[1] Note: even if clothes belong to someone else are found, though their owner gave permission for their use, they must be used. If on the other hand, the owner did not give consent, then legally they are not permitted to be taken and prayed with. However, should one do so, the prayer is valid, but the person has committed a sin. [Nur al-Idah 85].

If a person only has enough to cover one of these parts, some scholars maintain that he is to cover the anus, because it is obscene in the situation of bowing and prostration, **whereas other scholars held, he must cover the genitals** because he is facing the qibla with the frontal area.

وندب صلاة العاري جالسا بالإيماء مادا رجليه نحو القبلة ، فإن صلى قائما بالإيماء أو بالركوع والسجود صح

It is recommended that the prayer of a naked person be offered whilst seated by way of indication (nodding) and stretching the legs out towards the qibla in an effort to cover oneself. **If however, one prays standing indicating with his head (i.e. nodding) or he opts to bow and prostrate normally, then both are valid,** though the first option of praying seated is best.

وعورة الرجل ما بين السرة ومنتهى الركبة. وتزيد عليه الأمة البطن والظهر، وجميع بدن الحرة عورة ، إلا وجهها

وكفيها وقدميها

The private area of a man is that which is between his naval to the end of the knees. The Prophet ((God bless him and grant him peace)) said [The private area [*awrah*] of a male is the area between the naval to the knees].[1] **The private area of a slave includes more than that of a man, namely** (the addition of) **her stomach and back, and for the free woman – her whole body is a private area except her face, hands and feet;** meaning the palms and back of the hands and the top of the feet and underneath is permitted to uncover.

وكشف ربع عضو من أعضاء العورة يمنع صحة الصلاة

If one quarter of any limb from the private area [*awrah*] is exposed, it prevents the validity of prayer. Note: the knees are part of the thighs and the ankle of a woman is part of her shins. The woman's ear is regarded as separate from her head and so are her breasts. Likewise, a man's penis is deemed a limb as well as his scrotum; all are regarded as individual limbs. The area between the navel and the pubic bone is also one limb. For example: if one quarter of a person's thigh is exposed, then prayer is not correct because the thigh is a limb from the private area.

ولو تفرق الانكشاف على أعضاء من العورة وكان جملة ما تفرق يبلغ ربع أصغر الأعضاء المنكشفة منه ، وإلا فلا

If there are a few separate portions exposed in various places of the private area and the sum total of these exposed places equals one quarter of the smallest limb which is uncovered, prayer is deemed invalid. For example: if part of the thigh, scrotum and lower stomach area each uncovered a small portion and the total of this amounts to one quarter of the smallest of these parts, in this case the scrotum, then prayer is not valid. **If it does not equal one quarter, then the prayer remains sound.**

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[1] Al-Baihaqi, 1/222 / Al-Zayla'i, 1/123.

ما يتعلق بشرط استقبال القبلة

That Which Is Related To The Condition Of Facing The Qibla

ومن عجز عن استقبال القبلة لمرض أو عجز عن النزول عن دابته أو خاف عدوا فقبلته جهة قدرته وأمنه.

Whoever is unable to face the direction of prayer [*qibla*] due to illness or is unable to dismount from his animal due to old age or other factors, **or because he fears an enemy, or a predatory animal, then the direction of prayer for him is the direction he is able to face and which is safe for him.**

ومن اشتبهت عليه القبلة ولم يكن عنده مخبر ولا محراب تحرى ولا إعادة عليه لو أخطأ ، وإن علم بخطئه في صلاته استدار وبنى

If one does not know the direction of prayer and there is no one to inform him about it, nor is there a prayer niche [*mihrab*], then one must investigate using personal reasoning and other evidences. **If he later learns that he was incorrect, he is not required to repeat the prayer.** Amir b. Rabia (God be pleased with him) stated that [We were in the company of Allah's Messenger in a journey. The sky became cloudy and it became difficult for us to determine the direction of prayer. As we finished the prayer, we came to know the direction of prayer. When the sun rose, we mentioned it to the Holy Prophet upon which Allah revealed (Where so ever you turn, there is Allah's countenance)].[1] **Although if one realises his error during the prayer, he must turn to the correct direction and continue the prayer.** Abdullah Ibn Umar (God be pleased with him) reported [While the people were offering the dawn prayer at Quba someone came to them and said: It has been revealed to the Prophet tonight, and he has been ordered to offer prayer facing the ka'bah. So turn your faces to the ka'bah. The people that were facing Sham {Jerusalem} turned their faces towards the ka'bah];[2] and the Prophet ((God bless him and grant him peace)) did not order them to repeat prayer.

وإن شرع بلا تحر فعلم بعد فراغه أنه أصاب صحت ، وإن علم بإصابته فيها فسدت كما لو لم يعلم إصابته أصلا

If a person begins his prayer with no investigation and after the completion of prayer discovers that he was correct, the prayer is valid, and if he finds out during the prayer that he is facing the correct direction, the prayer is nullified, because the person began the prayer with no investigation, and because the situation has been strengthened with this confirmation received while praying, and one cannot continue something in a strong mode after its weak commencement. Imam Muhammad and Imam Zufar held that this person had left out the compulsory action prior to prayer, that being the investigation, or personal reasoning. **The same applies to one who begins the prayer with no investigation and does not discover at all whether he faced the correct direction.** His prayer is nullified because he omitted the investigation. Hence, if one learns in the prayer or does not find out at all, then both encounter the same ruling if they commence the prayer with *no* investigation.

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[1] Quran: 2-115. Ibn Majah 1020.

[2] Bukhari 403

ولو تحرى قوم جهات وجهلوا حال إمامهم تجزيهم

In a group prayer, **if many people use personal reasoning** investigating the direction of prayer due to total darkness **and it results in many people facing different directions because they are unaware of their imam's situation** with respect to what direction he is facing, **then their prayer is valid.** If however someone steps in front of the imam, then his prayer is void.

في واجب الصلاة

The Wajib Elements Of Prayer[1]

وهو ثمانية عشر شيئا

There are eighteen practices necessary in prayer

قراءة الفاتحة

Recitation of the Fatiha is wajib due to the words of the Prophet ((God bless him and grant him peace)) [Whoever does not recite surah al-Fatiha in his prayer, his salat is invalid].[2] This hadith indicates that the prayer is not perfect without it, not that the prayer is invalid, because the hadith is a solitary hadith [*ahad*]. And solitary transmission does not abrogate the saying of Allah [Read of the Quran as much as may be easy for you].[3] Abu Hanifa holds that the minimum recitation that is deemed valid in prayer is one verse whereas the two jurists held that it is three short verses or one long verse.[4]

وضم سورة أو ثلاث آيات في ركعتين غير متعينتين من الفرض

In (any) **two rak'ahs of an obligatory prayer, it is *wajib* to add to the Fatiha, a surah or three verses of Quran.** Note: this is the Hanafi position, that if one recites a surah with the Fatiha in any two rak'ahs, the prayer is correct. Though in saying

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[1] Lexically, the term wajib may be given several names, one of which is *lazim* (necessary). Legally, in the Hanafi school: it is that which is established with a proof that is subject to resemblance. This resemblance can occur in the proof itself, such as implying two meanings or more or it can be in the proof's establishment, such as being a solitary [*ahad*] hadith on the condition that it implies only one meaning. As for what is established with a definitively established text [*qat'i*], such as the Quran or hadith Muttawatir, that is not speculative, then it is deemed obligatory. Moreover, the ruling upon the wajib is as follows: intentionally leaving a wajib element is deserving of punishment, while its performance is rewarded. The one who rejects it is not deemed a disbeliever. If a person absentmindedly omits a wajib act in prayer, it does not nullify the prayer provided he observes the prostrations of forgetfulness. Moreover, the wajib acts were introduced in order to perfect the obligatory acts and that the sunan were introduced in order to perfect the wajib acts and that the adab were introduced in order to perfect the sunan. [Maraky al-Falah 141].

[2] Bukhari 756.

[3] Muzzammil 20. [Maraky al-Falah 141].

[4] Al-Hidayah.

this, it is also wajib to fix the recitation of the surah (with the Fatiha) in the first two rak'ahs as the Prophet did.

وفي جميع ركعات الوتر والنفل

Additionally, it is wajib to recite a surah with the Fatiha **in all the rak'ahs of the witr and voluntary prayers.**

وتعيين القراءة في الأولين

The recitation of a surah or three verses **is to be fixed in the first two rak'ahs of all obligatory prayers**, due to the Prophet's diligence in observing this ((God bless him and grant him peace)).

وتقديم الفاتحة على السورة

It is *wajib* to recite the Fatiha before the surah. And if one begins to read the surah first and then remembers the order, he must repeat the Fatiha and then read the surah and thereafter prostrate due to forgetfulness.[1]

وضم الأنف للجبهة في السجود

It is *wajib* to place both the nose and forehead on the ground in prostration. It is not lawful to limit the prostration with the nose only unless one has a reason to do so.

والإتيان بالسجدة الثانية في كل ركعة قبل الانتقال لغيرها

In every rak'ah, it is *wajib* to perform the second prostration before switching to another action of the prayer, namely, the standing for the next rak'ah. If on the other hand, one neglects the etiquette of the two prostrations by omitting one of them from a rak'ah and instead stands up for another rak'ah, it is permissible and does not invalidate prayer provided the person performs the prostration he neglected.[2]

والاطمئنان في الأركان

It is necessary to remain motionless for a moment in all the pillars of prayer, i.e. to be in a state of serenity and calmness in each pillar of prayer before moving into the next position. This serenity is achieved by allowing one's limbs to come to rest and their joints at ease. It is reported that the Prophet entered the mosque during which a man entered and performed his prayers, then he came to the Prophet and gave salam to him, upon which the Prophet ((God bless him and grant him peace)) returned the salam and said [Return and pray, for you did not pray]. The man returned and observed prayer as he prayed before, thereafter, he came to the Prophet and gave salam upon which the Prophet returned the salam and said [Return and pray, for you did not pray], and this occurred three times.

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[1] Maraky al-Falah 142.

[2] Maraky al-Falah 142.

The man then said, "By the One who sent you with the truth, I do not know better than this, so teach me." The Prophet (God bless him and grant him peace) said [If you arise to pray, make takbir, then recite what you know from the Quran, then bow and be at ease (for a moment) in your bowing, then rise until you are standing upright, then prostrate until you are at ease (serene) in prostration, then rise and be still (and serene) in your sitting, and perform this in all your prayers].[1]

والقعود الأول وقراءة التشهد فيه في الصحيح ، وقراءته في الجلوس الأخير

The first sitting and the recitation of the tashahhud in it, is wajib; and this is the correct view. It is also wajib to recite the tashahhud in the last sitting.

والقيام إلى الثالثة من غير تراخ بعد التشهد

It is *wajib* to rise to the third rak'ah without any delay after reciting the tashahhud. If a person forgetfully remains sitting after the tashahhud the amount of time it takes to perform a pillar, he becomes liable to offer prostrations of forgetfulness for delaying the compulsory standing of the third rak'ah.

ولفظ السلام دون عليكم

It is *wajib* to utter the word *'salam'* at the end of prayer, though not the words '*upon you*' for the reason that the intended thing, which is the exit of prayer, is achieved when one says, *'salam.'*

وقنوت الوتر، وتكبيرات العيدين

The supplication of the witr and the additional takbirs of both Eid al-Fitr and Eid al-Adha are *wajib*. The view that the supplication of witr is wajib is the view held by Abu Hanifa. Regarding the additional takbirs of Eid, each takbir is deemed wajib, such that if it is omitted would require the prostrations of forgetfulness.[2]

وتعيين(لفظ) التكبير لافتتاح كل صلاة لا العيدين خاصة

It is *wajib* to specify the words *'Allahu akbar'* for the start of all prayers, not only for the prayers of Eid. Abu Bakr Ibn Abd al-Rahman reported that Abu Hurairah would utter the takbir in every prayer, whether it was obligatory or non-obligatory.[3]

و تكبيرة الركوع في ثانية العيدين

In the second rak'ah of both the Eid prayers, it is wajib to say, *'Allahu akbar'* for the bowing (ruku'). Note: in the second rak'ah of the Eid prayer, the additional takbirs of Eid are offered after the recitation of Quran, after which it is *wajib* to say, 'Allahu akbar' for the bowing. Therefore, the additional takbirs and the takbir of the bowing are attached. This is contrary to the first rak'ah, because in the first rak'ah, the additional takbirs come before the recitation of Quran.

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[1] At-Tirmidhi [Maraky al-Falah 143].
[2] Maraky al-Falah 144.
[3] Abu Dawud 835.

وجهر الإمام بقراءة الفجر وأوليي العشاءين ولو قضاء والجمعة والعيدين والتراويح والوتر في رمضان

It is *wajib* to recite Quran aloud in the dawn prayer as well as in the first two rak'ahs of the *maghrib* and *'isha* prayer even if they are missed prayers and are being made up. **One is also required to recite loudly for the Friday prayer, the Eid prayer, the tarawih prayers and the witr prayer in Ramadan.** Note: audible recitation is that which is heard by others.

والإسرار في الظهر والعصر وفيما بعد أوليي العشاءين ونفل النهار والمنفرد (بفرض) مخير فيما يجهر كمتنفل بالليل

It is *wajib* to recite Quran silently to the extent that the one can hear himself **in all the rak'ahs of the *dhuhr* and *'asr* prayer, in the third rak'ah of the *maghrib* prayer, in the third and fourth rak'ah of the *'isha* prayer and in all the rak'ahs of voluntary prayer offered in the daytime. The one performing an obligatory prayer alone** (such as the fajr or maghrib) **has an option between reciting Quran aloud or silently.**[1] **Likewise, the one offering voluntary prayer at night also has an option,** whether he wishes to recite audibly or silently.

ولو ترك السورة في أوليي العشاء قرأها في الأخريين مع الفاتحة جهرا

If one omits the recitation of a surah in the first two rak'ahs of the *'isha* prayer, then he is to repeat it aloud in the last two rak'ahs with the Fatiha aloud as well; and this is the most correct view. In the event of this situation occurring, one is to advance the Fatiha, then the surah, though some held that one should advance the surah first.[2]

ولو ترك الفاتحة لا يكررها في الأخريين.

If the Fatiha is not recited in the first two rak'ahs, one is not to repeat it in the last two rak'ahs, i.e. one is not to recite the Fatiha twice in the third rak'ah and twice in the fourth.

[1] The reason he has an option is because he is an imam for himself and because there is no one behind him who can listen to his recitation. He may therefore recite audibly or silently. Al-Karkhi (God bless him) held that he is not to raise his voice to the extent that the imam does, because there is no one behind him who is listening. However, some jurists maintain that to make his prayer similar to the congregation is of greater benefit. (Al-Hidayah 126).

[2] Maraky al-Falah 144.

في سننها

The Sunan Of Prayer

Sunna in literal terms means *way or path.* Technically, it means the path taken in religion without obligation to do so. Another definition maintains that it is what is requested by the Lawgiver without a decisive command or it is that which was performed by the Prophet in a manner he was diligent upon and did not leave except for a reason. Neglecting a sunna in prayer, even if it is deliberate, does not invalidate prayer and prostrations of forgetfulness are not required. However, if one intentionally omits a sunna, it is an offence and this offensiveness is worse than mere dislike. The individual is rewarded for performing a sunna and reproached for leaving it with a small sin. Indeed blame is easier than punishment.

وهي إحدى وخمسون

The sunan of prayer are fifty-one;

رفع اليدين للتحريمة حذاء الأذنين للرجل والأمة وحذاء المنكبين للحرة

To raise the hands for the opening *Allahu akbar* to the level of the ears for a man and slave, is sunna for the reason that the Prophet ((God bless him and grant him peace)) would perform this [When beginning the prayer, the Prophet would give takbir and then raise his hands until his thumb came near his ears].[1] Shafi'i related a hadith from Ibn Umar who said [I saw the Prophet, when he opened prayer would raise his hands until they were at the level of the shoulders] and the Hanifa Madhhab enact upon this hadith in the event that one is ill. **A free woman is to raise her hands to the level of her shoulders.**

ونشر الأصابع

To stretch the fingers at the opening Allahu akbar is sunna. When raising the hands for the opening takbir, one should keep the fingers of both hands stretched and the palms should be facing the direction of prayer as the Prophet ((God bless him and grant him peace)) observed.

ومقارنة إحرام المقتدي لإحرام إمامه

It is sunna for the follower behind the imam to say his opening takbir together with his imam. This is the opinion of Imam Abu Hanifa provided the follower does not finish saying the name, 'Allah or akbar' before the imam does. It is therefore closely linked. However, according to the two jurists, it is sunna for the follower to utter Allahu akbar after the imam has completed the takbir, though without separation, such that he is to connect the <u>*alif*</u> in the name of Allah with the letter <u>r</u> in akbar in the imam's takbir (*meaning when the imam utters the letter <u>r</u> in the word akbar, it is sunna for the follower to say Allah at that point*).[2]

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[1] Darqutani, 1/300-Abu Yala in his Musnad, 1/389.

[2] Nur al-Idah, 89 / Maraky al-Falah, 146.

ووضع الرجل يده اليمنى على اليسرى تحت سرته. وصفة الوضع: أن يجعل باطن كف اليمنى على ظاهر كف اليسرى محلقا بالخنصر والإبهام على الرسغ

It is sunna for a male to place his right hand over his left hand under the navel. Ali ((God be pleased with him)) said [Verily, it is from the sunna to place the right hand over the left under the navel][1] **and the technique of this placement is to place the inside of the right hand over the top part of the left hand, forming a circle with the little finger and thumb around the wrist.**

ووضع المرأة يديها على صدرها من غير تحليق

It is sunna for a female to place her hands on her chest without the formation of a circle with her hands.

والثناء

The opening glorification [*thana'*] is sunna, and it is to say: 'Glory be to You, O Allah! And I praise You. Blessed be Your name, and Exalted is Your majesty. There is no god other than You.' [*Subhanaka Allahuma wa bi-hamdika, wa tabaraka ismuka, wa ta'ala jadduka wa la-ilaha ghayruka*]. This is also referred to as the opening supplication or the opening praise.

والتعوذ للقراءة

To seek protection in Allah from the accursed Satan for the recitation of Quran is sunna. This is known as the *ta'awwudh*. And the one who arrives late to prayer is to recite the *ta'awwudh* during his make-up actions for the reason that he must recite Quran for himself, in which case it is sunna for him to observe this. Allah the Exalted said ((When you read the Quran, seek God's protection from Satan the rejected one)).[2]

والتسمية أول كل ركعة

To say, *'In the name of God, Most Merciful, Most Compassionate,'* at the beginning of every rak'ah before the Fatiha is sunna. This is termed the *tasmiyya*. The Prophet ((God bless him and grant him peace)) would begin his prayer with *'Bismillahi Rahmani Rahim,'* and the saying that this is wajib is weak.[3]

والتأمين

It is sunna to say, *'Amin'* after the Fatiha for the imam, follower and the one praying alone.[4]

والتحميد

[1] Darqutani 1/286.
[2] Quran 16:98.
[3] Maraky al-Falah 147.
[4] Maraky al-Falah 147.

When rising from the bowing posture, it **is sunna to praise God by saying 'Our Lord, praise is only for You,'** [*Rabbana walakal hamd*]. This is sunna for the follower and the one praying alone according to the consensus of Hanafi scholars, whereas Abu Hanifa held that it is sunna for the imam to say, *"Sami Allahu Liman Hamidah"* only, whereas the two companions maintained that it is sunna for the *imam* to say *"Sami' Allahu liman hamidah, Rabbana walakal hamd,"* although they held that the last part is said silently. And this view has been narrated from Abu Hanifa as well.

والإسرار بها

It is sunna to recite all these utterances silently, i.e. the opening glorification [*thana'*], seeking protection in God from Satan the accursed [*ta'awwudh*], uttering the name of God [*tasmiyya*], saying *'Amin'* and praising God [*tahmid*].

والاعتدال عند التحريمة من غير طأطأة الرأس

To stand upright at the time of the opening Allahu akbar without hanging (or bowing) **the head**, is sunna.

وجهر الإمام بالتكبير والتسميع

It is sunna **for the imam to say the opening Allahu akbar aloud as well as the** ***tasmi'*** (*which is, Sami Allahu liman hamidah—Allah has heard those who praise him*).

وتفريج القدمين في القيام قدر أربع أصابع

Spreading the feet the distance equal to four fingers when standing. Abdullah ibn Mas'ud saw a person standing in prayer with his two feet together and judged it to be against the sunna. He advised the person that if he practiced *murawaha*, it would have been more preferable.[1] The word *murawaha* is normally taken to mean to stand on one foot and then the other, alternating between them as the other becomes tired. Although another meaning is to leave a slight gap between the feet, and this is the preferred view according to the above narration since the person was standing with the feet together. Based on this, the hadith means that Abdullah ibn Mas'ud instructed to leave a small gap between the feet since the sunna was not to completely join them (and neither to keep them far apart).[2] Furthermore, the sunna of standing in the lines is to join the shoulders as is clearly apparent in hadith and if a person is to spread the feet beyond the shoulder width, then it will be impossible to still maintain shoulder contact.

وأن تكون السورة المضمومة للفاتحة من طوال المفصل في الفجر والظهر ومن أوساطه في العصر والعشاء ومن

قصاره في المغرب لو كان مقيما

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[1] An-Nasai 1/142.

[2] Fiqh al-Imam.

For the *fajr* and *dhuhr* prayer, the surah that follows the Fatiha is to be from the lengthy part of the mufassal section. The *mufassal* section is the last seven sections of the Quran which begins from surah al-Hujurat to surah an-Nas, and its lengthy part is from surah al-Hujurát to surah al-Buruj; **and for the *'asr* and *'isha* prayer, the surah is to be from its medium part** which is from surah al-Buruj to surah al-Bayyinnah, **and for the *maghrib* prayer it is sunna to recite from its smallest part** which is from surah al-Bayyinnah to the end, **and this is provided one is a resident.**

ويقرأ أي سورة شاء لو كان مسافرا

If one is a traveller, then he may recite any surah he wishes and this is the sunna. The same applies if there is a desperate need, in that it is sunna to recite any surah. The Prophet ((God bless him and grant him peace)) said [When I stand for prayer, I intend to pray it long but on hearing the cries of a child, I cut it short, as I dislike to trouble the child's mother].[1] There is also a report that the Prophet ((God bless him and grant him peace)) [Recited the *mu'awwidhatain* in the dawn prayer whilst in travel].

وإطالة الأولى في الفجر فقط

To lengthen only the first rak'ah of the dawn prayer is sunna, the wisdom being that the dawn prayer is a time of sleep and unawareness and one prolongs the first rak'ah in order for the people to make the prayer and increase the gathering. However, Imam Muhammad says, "It is recommended to lengthen the first rak'ah of all prayers." In addition, it is disliked to lengthen the second rak'ah over that of the first by reading more than two verses, an issue they agreed upon. With respect to voluntary prayer, the rules are not as stringent.[2]

وتكبيرة الركوع وتسبيحه ثلاثا

It is sunna **to utter the takbir of *ruku* (bowing) and to glorify God three times therein.** The Prophet ((God bless him and grant him peace)) would make takbir every time he declined (for ruku).[3] And with respect to the glorifications, the Prophet ((God bless him and grant him peace)) said [If one performs ruku, he should say three times, *"Glory be to my Lord the great"* and this is the minimum].[4] In addition, if the imam lifts his head from the bowing posture before the follower has completed this three tasbih, then he is to join the imam, and this is the correct view.

وأخذ ركبتيه بيديه وتفريج أصابعه ، والمرأة لا تفرجها ، ونصب ساقيه وبسط ظهره وتسوية رأسه بعجزه

[1] Bukhari 707.
[2] Maraky al-Falah 149.
[3] Muslim 392.
[4] Abu Dawud 885.

When bowing, it is sunna to grab the knees with the hands and to spread the fingers out. The female is not to extend her fingers. It is also sunna in the bowing posture, to keep the legs vertical while the back is straight and to make the head even with the buttocks as related in the hadith [If the Prophet ((God bless him and grant him peace)) was in ruku he would even his back that if water was poured on his head it would remain].[1]

والرفع من الركوع والقيام بعده مطمئنا

To rise from the bow and then stand for a moment in serenity is from the *sunan*, whereas Abu Hanifa held the rise as obligatory.

ووضع ركبتيه ثم يديه ثم وجهه للسجود وعكسه للنهوض

When offering the prostration, it is sunna to place the knees upon the ground, followed by the hands, and thereafter the face. Additionally, it is sunna to do the opposite when rising from prostration (i.e. the face, hands and knees). If however one is frail, then he may do what is possible. [The Prophet ((God bless him and grant him peace)) would when he was performing prostration place his knees before his hands, and when rising, would raise his hands before his knees].[2]

وتكبير السجود وتكبير الرفع (منه)

To say, *'Allahu akbar'* when declining for prostration and when rising from it, is sunna as the Prophet ((God bless him and grant him peace)) would recite Allahu akbar for every incline and decline.[3]

وكون السجود بين كفيه

To prostrate between the palms is sunna. The Prophet ((God bless him and grant him peace)) [Would place his face between his hands when prostrating].[4] Whereas Imam Shafi'i disagreed and used as proof the hadith related in Bukhari, that is [When the Prophet prostrated, he would place his hands near his shoulders].

وتسبيحه ثلاثا

Uttering the tasbih, '*Glory be to my Lord, most high*' three times in the prostration is sunna. Abdullah Ibn Mas'ud reported the Prophet ((God bless him and grant him peace)) as saying [When one of you bows, he should say three times: 'Glory be to my Lord the great,' and when he prostrates, he should say: 'Glory be to my Lord most high' three times. This is the minimum number].[5]

ومجافاة الرجل بطنه عن فخذيه ومرفقيه عن جنبيه وذراعيه عن الأرض

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[1] Ibn Majah 872.

[2] Abu Dawud 837.

[3] Muslim 392.

[4] Muslim 401.

[5] Abu Dawud 885.

It is sunna for a man to distance his abdomen from his thighs, his elbows from his sides and his arms off the ground. Ibn Abbas (God be pleased with him) said: I came to the Prophet ((God bless him and grant him peace)) from behind. I saw the whiteness of his armpits and he kept them far away from his sides and raised his stomach {from the ground}.[1]

وانخفاض المرأة ولزقها بطنها بفخذيه

It is sunna for the woman to reduce the distance between her limbs by connecting her abdomen with her thighs. The Prophet ((God bless him and grant him peace)) passed by two women who were praying and said ((If you perform prostration, then link some of the limbs together)).[2]

والقومة والجلسة بين السجدتين

It has already been stated that the rising from the prostration to a point that is near to a sitting position is obligatory. However, **it is sunna to completely rise from the prostration assuming the sitting position to its full. Additionally, it is sunna to briefly adopt the sitting position between the two prostrations.**

ووضع اليدين على الفخذين فيما بين السجدتين كحالة التشهد

During the brief sitting between the two prostrations, it is sunna to place the hands on the thighs, just as one does in the sitting of *tashahhud*. During this sitting, one is not to take hold of the knees and this is the correct view.

وافتراش رجله اليسرى ونصب اليمنى

During the brief sitting between the two prostrations and during the sitting of *tashahhud*, **it is sunna for a man to lay down his left foot** on its left side and sit on it **while the right foot is allowed to stand upright** with the heel in the air so that the toes are facing the direction of prayer, as was related from Ibn Umar ((God be pleased with him)).[3] This is known as the *Iftirash* style.

وتورك المرأة

The female is to adopt the *tawarruk* style of sitting, which is one's posterior on the ground and the left foot on its side, emerging from under the right which is vertical.

والإشارة في الصحيح بالمسبحة عند الشهادة يرفعها عند النفي ويضعها عند الإثبات

It is sunna to **gesture with the index finger** when reading the tashahhud, as held by all four Imams as the correct view. Abdullah Ibn al- Zubair said: The Prophet ((God bless him and grant him peace)) used to point with his finger and he would

[1] Abu Dawud 898.

[2] Al-Baihaqi 2/223, Sunan al-Kubra.

[3] An-Nasai 1/248.

not move it.[1] And this is the view held by Abu Hanifa whilst Imam Malik relied upon other traditions indicating that the Prophet did move his finger. **The method of indicating with the finger is to raise it at the time of rejecting the notion of partnership to Allah and is lowered when affirming** that it is only Allah. Thus, it is raised when one says in the tashahhud '*la ilaha*' and lowered when affirming '*Illa Allah.*'

وقراءة الفاتحة فيما بعد الأولين

The recitation of the Fatiha after the first two rak'ahs is sunna according to the most correct view whereas Imam Abu Hanifa held it as *wajib*.

والصلاة على سيدنا النبي صلى الله عليه وسلم في الجلوس الأخير

The recitation of the *ibrahimiyya* in the last sitting of the prayer is sunna. However, to send blessings upon the Prophet once in a lifetime is obligatory as Allah said [O you that believe! Send ye blessings on him and salute him with all respect].[2]

والدعاء بما يشبه ألفاظ القرآن والسنة لا كلام الناس

It is sunna **to supplicate with words that resemble the Quran and the sunna of the Prophet, not the general talk of the people** (after reading the *ibrahimiyya*). The Prophet ((God bless him and grant him peace)) said [Our prayers cannot be correct with the talk of people included in it].[3] Abu Bakr reported that he said to the Prophet ((God bless him and grant him peace)), "Teach me, O Messenger of Allah, supplication, that I may ask for in my prayer." Upon which the Prophet ((God bless him and grant him peace)) said, "Say, 'O Allah! I have done great wrong to myself and none except You forgives sins, so forgive me and be Merciful to me as You are the All-Forgiving, the Most-Merciful.'"].[4] Note: It is *not* permissible to supplicate in prayer that which resembles the general talk of the people, such as, "O Allah! Marry me to this person or give me this much gold." *Hence, the sunna is to supplicate that which has been conveyed to us through revelation, though uttering something which resembles the talk of the people nullifies prayer.*

والالتفات يمينا ثم يسارا بالتسليمتين

Turning to the right and then left in the two finishing *salams* of prayer is sunna.

ونية الإمام الرجال والحفظة وصالح الجن بالتسليمتين في الأصح

In the two finishing *salams* of the imam, it is sunna for the imam to intend in both his *salams*; the men praying with him as well as the females and children, **the guardian angels,[5] and the pious jinns, and this is the most correct view.** Essentially, the imam is giving salam to the aforementioned persons.

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[1] Abu Dawud 984.

[2] Al-Ahzab 56.

[3] Muslim, an-Nasai 1217. [Maraky al-Falah 153].

[4] Bukhari 834.

[5] The guardian angels are those that record the sayings and actions of man and prevent him from harm.

ونية المأموم إمامه في جهته ، وإن حاذاه نواه في التسليمتين مع القوم والحفظة وصالح الجن

It is sunna for the follower to intend the imam in the side the imam is on. Meaning if the imam is on the right side of the follower, then he is to intend him in the salam on the right, and if the imam is on the left side, then the follower is to intend him in the left salam. **If however, the follower is next to the imam, he is to intend the imam in both the salams, including the people, guardian angels and pious jinns.**

ونية المنفرد الملائكة فقط

It is sunna for the one praying alone to intend only the angels in his finishing *salams*, provided no one is with him.

وخفض الثانية عن الأولى

The tone of the second finishing *salam* should be made lower than that of the first.

ومقارنته لسلام الإمام

It is sunna for the follower to **say his finishing *salams* together with the *salams* of his imam** according to Imam Abu Hanifa, while the two jurists maintained that one is to offer his salams after the salams of the imam. Narrated: 'Itban bin Malik (God be pleased with him): We offered prayer with the Prophet and used to finish our prayer with the taslim along with his.[1]

والبداءة باليمين

To begin the finishing *salam* from the right side is sunna.

وانتظار المسبوق فراغ الإمام

It is sunna for the latecomer to the group prayer to wait until the imam has given both the finishing salams before making up what he missed. The reason for this is to ensure that the imam has finalised his prayer and is not going to observe prostrations of forgetfulness, for the latecomer has no knowledge of this due to his late arrival.

[1] Bukhari 838.

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[1] Bukhari 838.

في آداب الصلاة

The Etiquette of Prayer [Adab]

من آدابها إخراج الرجل كفيه من كميه عند التكبير

It is from the etiquettes of prayer for a man to withdraw his hands from his sleeves at the commencement of the opening Allahu akbar.

ونظر المصلي إلى موضع سجوده قائما وإلى ظاهر القدم راكعا وإلى أرنبة أنفه ساجدا وإلى حجره جالسا وإلى المنكبين مسلما

It is recommended **to look at the area of prostration when standing; at the top part of the feet when bowing; at the tip of the nose when in prostration; at the lap when sitting and at the shoulders when giving the final *salams*.** This is recommended for both male and female, the intended aim being to protect oneself from distraction. If one is blind or in darkness, then he should reflect about the greatness of Allah. The Prophet ((God bless him and grant him peace)) said [Worship Allah as though you see Him, but if you are unable to (acquire this level as though you) see Him, you should place in your mind that He sees you].[1]

ودفع السعال ما استطاع

It is recommended **to resist coughing as much as one is able to.** If one coughs for no reason, prayer is nullified.

وكظم فمه عند التثاؤب

It is recommended **to keep the mouth closed when yawning,** even if one must grab his lips with his teeth, and if one is unable to do so, then he should cover his mouth with his hand or sleeve. And if one covers his mouth with his hand or sleeve, even though he has the ability to grabs his lips with his teeth, then it is disliked. The Prophet ((God bless him and grant him peace)) said [Yawning in prayer is from Satan, so if anyone yawns, then he should close his mouth as much as he is able].[2]

والقيام حين قيل : حي على الفلاح

It is recommended for the imam and people **to stand for the prayer at the time the caller says, *'come to success'*** – for the reason that the caller is giving an order to come forth, and it needs to be answered.

وشروع الإمام مذ قيل : قد قامت الصلاة

It is recommended **that the imam begin the prayer when the caller says, *'the prayer is commencing'*** according to Imam Muhammad and Zufar, whereas Abu Yusuf stated that it is valid to begin once the call to commence the prayer (*iqama*) has finished as held by the majority of scholars in the Hanafi Madhhab.

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[1] Bukhari 50.

[2] At-Tirmidhi, The Book of Prayer 370 | Muslim.

في كيفية تركيب الصلاة

How The Prayer Is Performed

إذا أراد الرجل الدخول في الصلاة أخرج كفيه من كميه ثم رفعهما حذاء أذنيه ثم كبر بلا مد، ناويا (شرط لصحة التكبير)

When one intends to pray, he is to withdraw his hands from his sleeves (though not for a female) **and then raise them to the level of the ears and utter the opening *Allahu akbar* without extending the letters. One is to form his intention of prayer when he says Allahu akbar.** With respect to extending the letters, this means that it is *not* permissible to extend the *hamza* in the name of *Allah* in the saying of Allahu akbar because the expression would then turn into an enquiry, which is an indication of doubt. If one intentionally does this, it amounts to disbelief. Likewise, it is not permissible to extend the *hamza* and the letter *'b'* in *akbar*. If one extends either one of these three letters, then he is legally regarded as a person who is *not* praying and the prayer is void. With respect to extending the letter *'l'* in the name Allah, it is valid provided it is not made too long. As for extending the letter *'h'* in the name Allah, this is deemed *incorrect* in the Arabic language, though it does not invalidate the prayer.[1]

ويصح الشروع بكل ذكر خالص لله تعالى كسبحان الله

It is valid to begin prayer with any pure glorification of God, such as *'Glory be to Allah'* or *'There is no god but Allah'* even though it is disliked. The remembrance is to be pure and utter remembrance not mixed with the requests of a person's needs, such as, *'O Allah forgive me'* because one is asking for forgiveness and neither with *'There is no power or might except Allah'* and neither with *'Whatever Allah wills'* because one is asking for the removal of evil and harm, and neither *'In the name of Allah'* because one is asking for blessing.[2]

وبالفارسية إن عجز عن العربية ، وإن قدر لا يصح شروعه بالفارسية ولا قراءته بها في الأصح

The opening *Allahu akbar* is permitted in Persian if one is unable to say it in Arabic, which was a saying of Abu Hanifa upon which he later overturned.[3] **If however one is able to say the opening Allahu akbar in Arabic, then his commencement of that prayer in Persian or any other language is invalid. Likewise, the recitation of Quran in any other language other than Arabic is invalid in a ritual prayer.**

ثم وضع يمينه على يساره تحت سرته عقب التحريمة بلا مهلة مستفتحا وهو أن يقول : سبحانك اللهم وبحمدك

وتبارك اسمك وتعالى جدك ولا إله غيرك

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[1] Nur al-Idah 93.

[2] Maraky al-Falah 157.

[3] This means that one is permitted to utter a sentence which expresses the meaning of the Allahu akbar in another language should one be unable to do so in Arabic.

Thereafter, one is to place his right hand over the left hand under the navel without delay after the opening *Allahu akbar*, for this is the sunna during standing according to Abu Hanifa.[1] **Then, one is to recite the opening glorification, which is: *"Glory be to You, O Allah, and I praise You. Blessed is Your name, and Exalted is Your majesty. There is no god other than You."*** With respect to the placing of one hand over the other under the navel, this is to be observed even during the opening glorification or praise, for it is considered a sunna that is part of the standing. The rule is that each performance of prayer in which words of invocation (*i.e. dhikr*) is prescribed by the sunna, the hands are to be folded, though not for performance where such recitation is not prescribed. They are therefore folded in the state of *qunut* (supplication), funeral prayer, though are released during the rise from the bowing and between the additional takbirs of Eid as there is no *dhikr* or recitation.

ويستفتح كل مصل

It is sunna upon anyone who prays to begin with this opening glorification whether it is the imam, his follower or one who prays alone. If however a latecomer attends the prayer, he is to recite this supplication if the imam has not begun to recite Quran, whereas if the imam begins reciting, the follower is to remain silent.

ثم تعوذ للقراءة فيأتي به المسبوق لا المقتدي

One is then to say the *ta'awwudh* for recitation, saying "I seek refuge with Allah from Satan the rejected," provided he is the imam or praying alone. This is due to the words of the Exalted [When you read the Quran, seek God's protection from Satan the rejected one]. **The latecomer to the prayer [*masbuq*] is to say the *ta'awwudh*, though the one who begins with the imam [*muqtadi*] is not to.** Note: the latecomer is to observe the *ta'awwudh* when he stands to make up what he missed of the prayer, because he must recite Quran for himself.

ويؤخر عن تكبيرات العيدين

One is to delay the *ta'awwudh* until *after* the additional *takbirs* of the Eid prayer on the basis that the *ta'awwudh* is for the recitation of Quran and yet recitation comes after the additional takbirs of Eid.

ثم يسمي سرا، ويسمي (كل من يقرأ في صلاته) في كل ركعة قبل الفاتحة فقط

Thereafter, one is to silently say, *"In the name of Allah, Most Merciful, Most Compassionate."* Anas bin Malik (God be pleased with him) reported that the Prophet, Abu Bakr and Umar used to begin prayer with; *All praise be to Allah, the Lord of all that exists* [*al-hamdu Lillahi Rabbil 'alamin*],[2] which clearly indicates that

[1] The Prophet ((God bless him and grant him peace)) said [A part of the sunna is the placing of the right hand over the left below the navel]. This is recorded by Abu Dawud from Ali (God be pleased with him).

[2] At-Tirmidhi, the Book of Prayer 245.

the *tasmiyya* would be uttered silently. **And anyone who recites Quran in prayer is to say, *"In the name of Allah, Most Merciful, Most Compassionate,"* in every rak'ah before the Fatiha only** whether it be an obligatory or voluntary prayer. Furthermore, it is not sunna to say the *tasmiyya* between the Fatiha and a surah, but it is not disliked. And this is by agreement of the scholars.

ثم قرأ الفاتحة ، وأمن الإمام والمأموم سرا ثم قرأ سورة أو ثلاث آيات

The Fatiha is then recited, after which the imam and the followers say, *'Amin'* silently. This is followed by the recitation of a surah from the Quran or three verses. Silently in this case means, able to hear oneself, though inaudible to others.

ثم كبر راكعا مطمئنا مسويا رأسه بعجزه آخذا ركبتيه بيديه مفرجا أصابعه وسبح فيه ثلاثا وذلك أدناه ، ثم رفع

رأسه واطمأن قائلا : سمع الله لمن حمده ربنا لك الحمد لو إماما أو منفردا، والمقتدي يكتفي بالتحميد

One is then to say 'Allahu akbar' while moving downwards into the bowing posture and pause for a moment in serenity (in the bowing posture) placing his head evenly with his buttocks and holding the knees with his hands extending the fingers and uttering the *tasbih, 'Glory be to my Lord the great'* three times which is the minimum. Thereafter, he is to rise and pause for a moment at ease saying *"Allah has heard those who praise Him, our Lord all praise is Yours,"* if he is imam or praying alone. It is sufficient for the follower to say, *'Lord, all praise is Yours,'* [*Rabbana walakal hamd*] as we were ordered in the hadith [If the imam says, "Allah has heard those who praise Him," then say, "Our Lord, all praise is Yours."].[1]

ثم كبر خارا للسجود ثم وضع ركبتيه ثم يديه ثم وجهه بين كفيه وسجد بأنفه وجبهته مطمئنا مسبحا

ثلاثا وذلك أدناه

After that, one is to say, *'Allahu akbar'* when declining into prostration and is to place his knees on the ground, then his hands followed by his face between his palms. He is to perform the prostration with his nose and forehead and pause for a moment saying *'Glory be to my Lord most high'* three times, and this is the minimum.

وجافى بطنه عن فخذيه وعضديه عن إبطيه في غير زحمة موجها أصابع يديه ورجليه نحو القبلة والمرأة تخفض

وتلزق بطنها بفخذيها

In the prostration, one is to distance his abdomen from his thighs and distance his upper arm from the armpits when there is no crowd or cramming; **and he is to direct the fingers of his hands and toes of his feet towards qibla. The female in prostration connects her limbs bringing them close together joining her abdomen with her thighs.** The Prophet ((God bless him and grant him peace)) [Used to prostrate creating as much space (between his torso and thighs) that if a kid (goat)

[1] Bukhari 734.

wished it could pass through this space].[1] The Prophet ((God bless him and grant him peace)) also said [When a believer makes a prostration, each limb in his body makes the prostration, therefore, he should make each limb face the qibla insofar as he is able to].[2]

(ثم رفع رأسه مكبرا) وجلس بين السجدتين واضعا يديه على فخذيه مطمئنا، ثم كبر وسجد

مطمئنا وسبح فيه ثلاثا وجافى بطنه عن فخذيه وأبدى عضديه ثم رفع رأسه مكبرا للنهوض بلا اعتماد على الأرض

بيديه، وبلا قعود

He is then to rise from prostration saying 'Allahu akbar' and adopt the sitting posture between the two prostrations pausing for a moment in serenity placing the hands on the thighs. He then utters the *takbir* [Allahu akbar] and prostrates for the second time and pauses for a moment at ease during which he says, *'Glory be to my Lord most high'* three times. In prostration, a man is to distance his abdomen from his thighs and his upper arms from the armpits. Thereafter, he is to raise his head saying the *takbir* and rise to the second rak'ah without depending on the ground with one's hands and without briefly sitting, such as those of the Shafi'i Madhhab observe.

والركعة الثانية كالأولى إلا أنه لا يثني ولا يتعوذ

The second rak'ah is performed like the first one with the exception that there is no *thana'* (opening glorification) nor is there *ta'awwudh*, which is seeking refuge in Allah from Satan for recitation of Quran.

ولا يسن رفع اليدين إلا عند افتتاح كل صلاة وعند تكبير القنوت في الوتر وتكبيرات الزوائد في العيدين

وحين يرى الكعبة وحين يستلم الحجر الأسود وحين يقوم على الصفا والمروة وعند الوقوف بعرفة

ومزدلفة وبعد رمي الجمرة الأولى والوسطى وعند التسبيح عقب الصلوات

It is *not* sunna to raise the hands, such as for the bowing posture or when rising from it, **except for the *opening takbir* of all prayers, *the takbir of qunut*** (supplication of witr) **and for the *additional takbirs* of both Eids.** Externally from prayer, it is sunna to raise the hands at, **i) the time one sees the ka'bah; ii) at the time one greets the black stone, iii) when one is upon the *Safa* and *Marwah*,** that is, upon standing where the ka'bah can be seen one is to say, "Allahu akbar, there is no god except Allah" raising the hands opening them directly towards the sky and supplicating; **iv) when one is standing in Arafah and Muzdalifah,** it is sunna to raise the hands; **v) after the first and middle stoning of the jamrahs** (it sunna to raise them for supplication);[3] **and lastly, vi) it is sunna to raise the hands after every prayer when one has completed the *tasbih*.** The rule is based on the words of the Prophet ((God bless him and grant him peace)) [The hands are not to be

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[1] Ibn Abi Shaybah, Ahmad. Al-Zayla'i, vol, 1, 386.

[2] An-Nasai, Al-Zayla'i, vol, 1, 387.

[3] Bukhari 1752.

raised except on seven occasions: the takbir of the opening (glorification); the takbir of qunut (supplication); the takbirs of the two Eids; and he mentioned four occasions for the hajj (pilgrimage)].[1]

وإذا فرغ الرجل من سجدتي الركعة الثانية افترش رجله اليسرى وجلس عليها ونصب يمناه ووجّه أصابعها نحو القبلة ووضع يديه على فخذيه وبسط أصابعه، والمرأة تتورّك

When the male completes the second prostration of the second rak'ah, he is to sit for tashahhud and is to spread his left foot and sit upon it while his right foot is upright with the toes directed towards the qibla. During this, he is to place his hands on his thighs flattening his fingers. This method of sitting is known as the *iftirash* style. **And the female is to adopt the *tawarruk* style of sitting,** because this provides the best cover for her.

وقرأ تشهد ابن مسعود رضي الله عنه وأشار بالمسبحة في الشهادة يرفعها عند النفي ويضعها عند الإثبات ولا يزيد على التشهد في القعود الأول وهو: التحيات لله والصلوات والطيبات، السلام عليك أيها النبي ورحمة الله وبركاته، السلام علينا وعلى عباد الله الصالحين، أشهد أن لا إله إلا الله وأشهد أن محمدا عبده ورسوله.

One is then to utter the *tashahhud* as reported by Ibn Mas'ud and indicate with the index finger for *shahada*, raising it at the negation [there is no god] and lowering it when affirming [except Allah]. Nothing is to be added to the tashahhud during the first sitting, for one must not delay the standing for the third rak'ah. **The tashahhud is, "Greeting to Allah. Peace be on you, O Prophet, and the Mercy of Allah and His blessings. Peace be upon us and upon Allah's righteous slaves. I testify that there is no god except Allah and that Muhammad is the Messenger of Allah."** Abdullah Ibn Mas'ud (God be pleased with him) said [The Messenger ((God bless him and grant him peace)) took me by the hand and taught me the tashahhud just as he taught me a surah of Quran, and said, "Say: *Greeting to Allah*... up to its end"].[2]

وقرأ الفاتحة فقط فيها بعد الأوليين ثم جلس وقرأ التشهد ثم صلى على سيدنا النبي صلى الله عليه وسلم ثم دعا بما يشبه القرآن والسنة ثم سلم يمينا ويسارا فيقول : السلام عليكم ورحمة الله ، ناويا من معه كما تقدم.

Subsequently, one is to recite the Fatiha alone in the last two rak'ahs. He is then to sit in the last rak'ah and recite the tashahhud, followed by the ibrahimiyya. He then supplicates, that which resembles the Quran and sunna. Upon completion, the finishing *salams* are to be made beginning with the right, then the left saying "May peace be upon you, and the Mercy of Allah" during which one is intending in his *salams* those who are with him as was mentioned earlier.

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[1] Al-Zayla'i, vol, 1, 389-390.

[2] Muslim.

باب الإمامة

The Imamate

منزلتها وحكمها

Its Rank and Ruling

هي أفضل من الأذان

To be the imam of a group prayer is superior than giving the call to prayer [*adhan*]

والصلاة بالجماعة سنة للرجال الأحرار بلا عذر

To offer prayer in congregation is an emphasized sunna for a free man who has no valid excuse to be absent. The Prophet ((God bless him and grant him peace)) said ((I planned or was about to order the collecting of firewood and then order someone to lead prayer, then I would go from behind and burn the houses of men who did not present themselves for the (prescribed) prayer)).[1] The Prophet ((God bless him and grant him peace)) was diligent with respect to the congregational prayer throughout his whole life and one should not leave it unless there is a valid reason.

شروط صحة الإمامة

Conditions That Validate The Position Of Imam

وشروط صحة الإمامة للرجال الأصحاء ستة أشياء : الإسلام والبلوغ والعقل والذكورة و القراءة

The conditions that validate the position of imam for a male of sound health are six;

1- **Islam**. If one rejects the Judgement Day or the Caliphate of Abu Bakr or the Prophets Companions (God be pleased with them all) or curses or swears at Abu Bakr and Umar or rejects the intercession of the Prophet and examples as such, then his position as imam is invalid.

2- **Maturity**. The prayer of a boy is considered as a voluntary one even if he is praying an obligatory prayer.

3- **Sanity**. Prayer behind a person with no capacity to discriminate or differentiate between things is invalid.

4- **Male**. It is not permitted for a male to pray behind a hermaphrodite or female.

5- **Recitation of Quran** from memory. One must memorise a minimum of three short verses or one long verse in order to validate his position of imam.

والسلامة من الأعذار كالرعاف والفأفأة والتمتمة واللثغ

[1] Bukhari 644.

6- It is conditional to be free from excuses such as: a) a perpetual nose bleed, b) stuttering with letters *(usually with the letter 'f')*, c) mumbling or muttering in one's speech which usually entails repetition of the letter *'t'*, d) lisping, which is, not pronouncing the letters correctly, such as pronouncing the *'sin'* as a *'tha' or the 'rá' as a 'ghain'*, and in this situation it is not valid for others to pray behind him unless those behind him suffer from the same problem.[1]

وفقد شرط كطهارة وستر عورة.

Likewise, one's position as imam is invalid if he is missing a condition such as the absence of purity or exposure of one's nakedness [*awrah*]. It is not valid for the imam to be naked whilst those behind him are clothed.

شروط صحة الإقتداء

Conditions That Validate The Following Of The Imam

وشروط صحة الإقتداء أربعة عشر شيئا

The conditions that validate the following are fourteen

نية المقتدي المتابعة مقارنة لتحريمته

The follower is to make his intention to follow the imam at the opening Allahu akbar. Note: joining the intention to the saying of Allahu akbar is of two types; the first is the real or true joining [*haqiqiyya*] and the second is the legal [*hukmiyya*] joining. The *haqiqiyya* is to intend in one's heart together with the saying of the opening Allahu akbar. As for the *hukmiyya*, it is to intend and then shortly after that say, 'Allahu akbar' without a long gap between them. Both are deemed correct in the Hanafi Madhhab with Imam Shafi'i maintaining that it is a stipulation that the link be true [*haqiqiyya*].[2] Note: one must also intend the prayer in his intention. See *The Conditions of Prayer* in the earlier chapter.

ونية الرجل الإمامة شرط لصحة اقتداء النساء به

If there are females who wish to join the group prayer, the male imam must intend being their imam so that their following of him is valid. If he does not, then their following will not be correct.

وتقدم الإمام بعقبه عن المأموم

The heel of the imam is to be in front of the heel of the follower, otherwise the follower's prayer is invalid.

وألا يكون أدنى حالا من المأموم

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[1] Nur al-Idah 87.

[2] Maraky al-Falah 126.

The imam must *not* be in a lesser state than the one following him, such as the imam praying a voluntary prayer while the follower is offering an obligatory one or the imam is praying while suffering from a chronic disorder, yet the follower is free from illness.

وألا يكون الإمام مصليا فرضا غير فرضه

It is conditional that **the obligatory prayer of the imam *not* be different to the obligatory prayer of the follower.** This means that both must be praying the same obligatory prayer because the follower is in partnership with the imam and there must be unity so that the prayer of the imam is joined to the prayer of the follower. According the Imam Shafi'i, it is valid if they are different.

وألا يكون مقيما لمسافر بعد الوقت في رباعية ولا مسبوق

It is not valid for a traveller who is shortening prayer to pray behind a resident imam who is praying the full number of a four rak'ah prayer after its time has ended; meaning, when the time of a four rak'ah obligatory prayer has expired, a traveller cannot pray behind a resident imam who is performing it at such time. **And neither can a latecomer to the congregational prayer be an imam for anyone else.** Consider the following: when a person who arrived late to the prayer stands to make up what he missed, no one can come and join him, and if someone does, the following is invalid.[1]

وألا يفصل بين الإمام والمأموم صف من النساء

A row of women must *not* divide the imam and the male followers; otherwise the following is not correct. The Prophet ((God bless him and grant him peace)) said [If there is between the imam and himself, a river, or road or a row of women, there is no prayer for him].[2]

وألا يفصل نهر يمر فيه الزورق ولا طريق تمر فيه العجلة

A river large enough for a boat to pass through is not to divide one from his imam and neither are they to be separated by a road which a cart could pass through.

ولا حائط يشتبه معه العلم بانتقالات الإمام فإن لم يشتبه لسماع أو رؤية صح الاقتداء في الصحيح

The imam and follower must *not* be separated by a wall in which the follower does not know the changing actions of the imam due to sayings resembling each other. **If there is no confusion with respect to hearing or seeing the imam, then the following is valid according to the most correct view.** It is reported that the Prophet ((God bless him and grant him peace)) would pray in the room of A'ishah and the people in the mosque would be praying that same prayer behind him.[3]

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[1] Maraky al-Falah 167, pt 7.
[2] Abi Shaybah, 2/35.
[3] Abu Dawud 1121. Al-Baihaqi 3/109.

وألا يكون الإمام راكبا والمقتدي راجلا أو راكبا غير دابة إمامه

The imam is *not* to be riding upon a beast while the follower is walking on foot, or the follower is riding a beast different to the beast of the imam. If however, they are both riding the same beast or in the same vehicle, then imitating the imam is correct.

وألا يكون في سفينة والإمام في أخر غيرمقترنة بها

The follower must not be on one boat while the imam is on another boat that is not attached to it because in that case, they are deemed as two separate beasts.

وألا يعلم المقتدي من حال إمامه مفسدا في زعم المأموم كخروج دم وقيء لم يعد بعده وضوءه

If the follower [*muqtadi*] knows that his imam is in an impure state, then his following is not correct and he is to repeat the prayer. **Hence, the follower must *not* have knowledge that the imam's state is ruined according to his Madhhab, such as blood flowing from an injury or vomiting a mouthful in which the imam does not repeat wudu.**[1] However, if the follower ***does not know*** that the state of the imam is ruined, the following is valid.

اقتداء الأحسن حالا بالأقل منه

When The Follower Is Better Conditioned Than The Imam

وصح اقتداء متوضىء بمتيمم

It is valid for one in a state of ablution to pray behind one in a state of tayammum. *Amr Ibn al-'As* ((God be pleased with him)) said: I had a sexual dream on a cold night in the battle of Dhat al-Salasil. I was afraid if I washed, I would die. I therefore, performed tayammum and led my companions in the dawn prayer. They mentioned that to the Messenger of Allah ((God bless him and grant him peace)) upon which he said, "Amr, you led your companions in prayer while you were in the state of janaba (sexual impurity)"? I informed him of the cause that impeded me from washing, and said: "I heard Allah say [Do not kill yourself, verily Allah is merciful to you"]. The Apostle laughed and did not say anything.[2] This ruling however was disputed by Imam Muhammad who deemed it not-permissible.

وغاسل بماسح

One who washes his limbs such as his feet **is permitted to pray behind one who wipes them** such as the khuf, splint, or bandages.

وقائم بقاعد

[1] For example, if a person witnessed the imam vomit a mouthful prior to the prayer and he did not repeat wudu, then if the follower has adopted the Hanafi school of thought, then his following of this imam is invalid.

[2] Abu Dawud 334.

One who stands is permitted to pray behind an imam who is seated. It has been established that the Prophet (God bless him and grant him peace) prayed the noon prayer during his sickness of death whilst sitting, and the people prayed behind him as followers standing.[1] Imam Muhammad said that it is not permitted and this is based on analogical reasoning [*qiyas*] constructed upon the stronger state of the person standing.[2]

وبأحدب

To follow an imam who is hump-backed is valid.

وموم بمثله

A person who prays through indication (nodding) is permitted to follow a person like him, due to the equality of their status. That is, the imam and followers are all praying through indication.

ومتنفل بمفترض

It is permissible to offer a voluntary prayer behind an imam performing an obligatory one because one is constructing a weak element upon something that is stronger, namely, the obligatory prayer.

وإن ظهر بطلان صلاة إمامه أعاد. ويلزم الإمام إعلام القوم بإعادة صلاتهم بالقدر المكن في المختار

If it becomes evident that the prayer of the imam is void, then one is to repeat the prayer. The Prophet ((God bless him and grant him peace)) said [If the imam's prayer becomes invalid, then the prayer of whoever is behind him is invalid].[3] **The imam must announce to the people to repeat their prayers as much as he is able** to, such as writing or sending a message to inform them, **and this is the opted view on the matter.** Abu Bakr ((God be pleased with him)) said: The Apostle of Allah ((God bless him and grant him peace)) began to lead (the people) in the dawn prayer. He then signalled with his hand: (remain at your places). Then he entered his home and returned while drops of water were coming down from his head and he led them in prayer.[4]

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[1] Al-Baihaqi 3/431 (5697).

[2] Al-Hidayah.

[3] Mentioned by Ibn Al-Jawziya in the Book of Tahnik 1/488.

[4] Abu Dawud 233.

فيما يسقط حضور الجماعة

Exemptions From The Congregational Prayer

يسقط حضور الجماعة بواحد من ثمانية عشر شيئا

The congregational prayer is excused if one of eighteen situations occurs;

مطر وبرد وخوف وظلمة وحبس

1- **Heavy rain** hard enough to wet one's clothing.

2- **In very cold conditions**, i.e. a strong cold in which one fears for his safety.

3- **Fear from an oppressor.** If one fears harm upon himself or that he may be robbed of his possessions from a thief, whether it be a time of war or not, he is excused.

4- **Darkness** that is overwhelming.

5- **One who is confined,** such as in lock up, custody or other.

وعمى وفلج وقطع يد ورجل وسقام وإقعاد ووحل وزمانة

6- **Being blind** is deemed an exemption from the congregational prayer.

7- **If one suffers paralysis in some of his limbs** [*falj*].

8- **If one has been dismembered losing his hand and leg,** though if one is only missing his hand, then he is not excused from the group prayer. If however one is missing only a leg, then the correct verdict is that he is excused from the group prayer.

9- **Poor health,** such as flu or disease.

10- **If one is crippled,** i.e. unable to walk due to a crippling condition.

11- **In muddy conditions,** one is exempt from having to attend the group prayer. The Prophet ((God bless him and grant him peace)) said [If the shoes become wet, then pray in the homes].[1]

12- **If a person suffers from a chronic illness,** he is exempt.

وشيخوخة وتكرار فقه بجماعة تفوته

13- **Old age** and feebleness is deemed a valid excuse as it entails difficulty.

14- **Gaining knowledge of jurisprudence** [*fiqh*] **in a group** is regarded as a valid excuse for missing the group prayer **provided one would miss this class if he attends the congregational prayer.** Hence, one is excused in this situation. However, for Arabic grammar one is not excused.

[1] Ibn Hajar – Takhlis al-Habir 2/31.

وحضور طعام تتوقه نفسه

15- **In the presence of food which one desires**, one is excused for the reason that, at this time one's mind is pre-occupied and is not able to be firm and complete in all the pillars, necessary requirements and recommended actions of prayer.

وإرادة سفر

16- **Preparing to travel** and fear of missing the convoy one is travelling with. Note: The travel itself is not an excuse; it is the fear of missing the convoy.[1]

وقيامه بمريض ، وشدة ريح ليلا لا نهار

17- **Attending or caring for a sick person** is a valid excuse as it would cause the ill patient harm and hardship in the absence of a carer.

18- **In the presence of a strong blowing wind at night**, not during the day, one is deemed exempt. A strong blowing wind at night has the potential to cause problems such as hurling fragments in one's face etc.

وإذا انقطع عن الجماعة لعذر من أعذارها المبيحة للتخلف يحصل له ثوابها.

If one is cut off from the congregational prayer due to one of the reasons (which allows one to be excused), then he is still rewarded provided he intended to pray in the congregation, and even if one intended but there was no excuse for him, he is still rewarded. The Prophet ((God bless him and grant him peace)) said [Actions are by intentions].[2]

في الأحق بالإمامة وترتيب الصفوف

The Most Entitled To Be Imam And The Etiquette Of The Lines

الأحق بالإمامة

The One With The Most Right To Be Imam

إذا لم يكن بين الحاضرين صاحب منزل ولا وظيفة ولا ذو سلطان فالأعلم أحق بالإمامة

1- **If the owner of the place is not present among the people, and neither the appointed imam or a person of authority,[3] then the most learned in the rules of prayer has the most right to be imam** even if he does not possess a deep knowledge of other areas. Note: If all these individuals gathered, the sultan has

[1] Hashia Ibn Abidin [Maraky al-Falah 171].

[2] Bukhari.

[3] Such as a leader [*amir*] or judge [*qadi*]. In reality, the person of authority and rule is superior to all of them including the owner of the place and the appointed imam. This is because his authority and rule is general and it was narrated by Bukhari: Ibn Umar would pray behind al-Hijaj and it is enough to say that he was disobedient. [See Fat-h al-Bari 2/19]. Note: it states in al-Binayah that this occurred in the time of the past given that people of authority were scholars and the majority of them were pious. [Maraky al-Falah 172].

the most right to be imam, followed by the leader [*amir*], judge and then the owner of the place. With respect to the owner of the place, the one who rents a place of dwelling has more right to lead the prayer than the one who owns the place. In addition, the judge has more preference over the imam of the mosque, a point which is clearly stated in hadith that the Prophet said: "One should not be led in his place of authority, nor should one sit on his *takrima* (bedding or seating area) without his permission.[1]

[*As-Salkini states*:] One can be an imam in a house, mosque or any other place. With respect to performing the prayer in a house, the possessor of authority and rule [*dhu sultan*] has the most right to be imam, then the owner of the place, though the owner of the place may give consent for others to lead. If the prayer is offered in a mosque or any other common place, then the one who has authority [*dhu sultan*] i.e. the one who presides over and oversees Islamic affairs, whether he be a ruler or judge – is also the one with the most right to lead the prayer. If the one who possesses authority and rule [*dhu sultan*] is not present, then the imam of the mosque is the one with the most right. If none of these individuals are present (i.e. the one who holds authority and rule [*dhu sultan*] as well as the owner of the place and the imam of the mosque), then the one with the most knowledge concerning the rules of prayer has the most right followed by the rest of the categories mentioned below.[2]

ثم الأقرأ

2- **Thereafter the one most distinguished in the recitation of Quran**; meaning one who knows the rules of recitation. It does not merely mean the one who knows the most Quran; rather he must know the rulings pertaining to its recitation, such as when to stop, when to connect, how to pronounce the letters and the rules associated with such issues. The Messenger of Allah (Peace and blessing of God be upon him) said [The one who is well grounded in the Allah's book and is distinguished among them in recitation should act as imam for the people].[3] Indeed, some maintain (such as Abu Yusuf) that the one most distinguished in recitation takes preference over the most learned. However, the response is that recitation is needed for one essential element of prayer, whereas knowledge is required for all the elements.[4]

ثم الأورع، ثم الأسن

3- **Then the most pious** [*wara'*]. This term refers to one who abstains from anything that appears to be forbidden. And this is regarded as a higher level than piety as piety alone entails staying away from forbidden things.

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[1] Muslim 673 / Abu Dawud 582 / Maraky al-Falah 172.
[2] Al-Fiqh al-Islamy, Ibrahim as-Salkini 316-317.
[3] Muslim 672 / Maraky al-Falah 172.
[4] Al-Hidayah, 133.

4- **Then the oldest.** The Prophet ((May the peace and blessings of God be upon him)) said to two people ((Whenever prayer time becomes due, you should pronounce the adhan and then the iqama and the older of you should lead the prayer)).[1]

ثم الأحسن خلقا

5- **Thereafter, the one with the best moral qualities**, for the people behind him are pleased with him as imam due to his personality and the followers may increase as a result.

ثم الأحسن وجها

6- **Then the one with the most handsome face**, i.e. the most handsome because beautiful features generally entails good within.

ثم الأشرف نسبا ثم الأحسن صوتا ثم الأنظف ثوبا

7- **Then the one with the noblest lineage.**

8- **Then the person with the most beautiful voice.**

9- **Then the one with the cleanest clothes.**

فإن استووا يقرع ، أو الخيار إلى القوم. فإن اختلفوا فالعبرة بما اختاره الأكثر وإن قدموا غير الأولى فقد أساءوا.

If all are equal, they are to draw lots or choose the person the people want. If they disagree, then the majority view decides the outcome. And if they select one who is not the most appropriate, then indeed they have made an error, though there is no sin.

بيان من تكره إمامتهم

The Imamate That Is Disliked

وكره إمامة العبد

The imamate of an ignorant slave, i.e. one who is not learned in the laws of Islam.

والأعمى

The imamate of a blind man is disliked because no one can direct him to the direction of prayer during the prayer.

والأعرابي وولد الزنا والجاهل

The imamate of a bedouin (desert dweller) **and the child from fornication** is disliked as well as **the imamate of an ignorant person.** The reason for their dislike is due to the reduced numbers they will attract. A bedouin most of the time is ignorant, whereas the child resulting from fornication in this case means an ignorant person with no knowledge and lacking discipline because of his father's absence.

[1] Bukhari 658.

والفاسق

The imamate of an immoral person is disliked due to his lack of emphasis in religion.

والمبتدع

The imamate of an innovator in religion is disliked. Indeed, an innovator is one who performs what the Prophet did not practice, preach or approve of and in which there is no precedent. [*Maraky al-Falah states*:] Imam Muhammad reported from Abu Hanifa and Abu Yusuf—*that prayer behind the people of desire is not permitted*, whereas the most correct ruling is that it is lawful, though disliked so long as what he innovates does not take him outside of the fold of Islam.[1] It is therefore not permissible to pray behind one who rejects the intercession of the Prophet or the angels who record the actions of man, or the vision of God for the believers in the hereafter, even if he says that God cannot be seen because He is exalted above all things, as the Mu'tazila state. Equally, prayer behind an anthropomorphist is not permitted, such as a person who says that God has a hand and leg similar to that of His creation. Such a person is an innovator even if he says that God is a body unlike all other bodies. In truth, God is neither a body nor substance. He is unlike all things and nothing is like Him. Moreover, rejecting the leadership [*khilafa*] of Abu Bakr is deemed unbelief just like one who rejects the Israh and Mi'raj. Equally, it is not permissible to pray behind one who rejects the wiping of the footgear or curses and swears at Abu Bakr, Umar and Uthman or accuses A'ishah (may Allah be pleased with the Prophet's family and Companions). And it is not permissible behind one who rejects something that is necessarily known in the religion, given that it amounts to disbelief. Indeed, their interpretation of such matters is disregarded.[2]

وتطويل الصلاة

It is disliked for the imam to **lengthen the prayer** to an extent where people detest it. Rather one should perform the prayer according to the hadith of the Prophet ((May the peace and blessings of God be upon him)) [O People! Some of you make others dislike good deeds. So whoever leads the people should shorten it].[3] Note: even if the believers do not mind the prayer being long, it is still disliked due to the words of the Prophet [He who leads the prayer should make it short].[4]

وجماعة العراة

It is disliked for naked persons to perform the prayer in a group.

والنساء. فإن فعلن يقف الإمام وسطهن كالعراة

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[1] The Prophet (God bless him and grant him peace) said "Pray behind every Muslim, pious or impious." Abu Dawud 594.

[2] Maraky al-Falah 174.

[3] Bukhari 90.

[4] Bukhari [Maraky al-Falah 174].

It is disliked for women to gather and pray as a group. One of the reasons for its dislike is due to the announcing of the call to prayer (adhan) and the call to commence (iqama). Likewise, it is disliked for women to attend the congregational prayer as the Prophet ((Peace and blessing of God be upon him)) said [Their homes are better for them] and [Prayer in their homes are better].[1] **If however the females perform the prayer in their own congregation, it is necessary for the female imam to stand in the middle** advancing only her heel forward **in the way that a naked prayer is performed.** If the female imam stands forward like a man, she has sinned, though the prayer remains sound.

موقف المأموم

The Position Of The Follower

ويقف الواحد عن يمين الإمام والأكثر خلفه

If there is only one person with the imam, he is to stand to the right-hand side of the imam. It is disliked to pray on the left side of the imam or behind due to the hadith of Ibn Abbas who said, "I stood on the left side of the Prophet after which he held me and directed me to his right;"[2] **and if there is more than one person, they are to pray behind the imam.**

ترتيب الصفوف الصلاة

The Manner Of The Lines

ويصف الرجال ثم الصبيان ثم الخناثى ثم النساء

The men are to form the first row or rows, **then the boys, followed by the hermaphrodites.** This is a precautionary measure because if the hermaphrodite is male then the standing behind boys will not harm them and if they are female then she is already at the back, **thereafter the females form the last row.** Note: the first line is considered as the best of all the lines in congregation. This is followed by the second line and so on. The Prophet ((God bless him and grant him peace)) said [Divine mercy is bestowed first on the imam, then it passes to those who are opposite to him in the first line, then to those on his right side, and then on the left side; then it passes over to the second line, and other lines in the same manner].[3]

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[1] Ahmad 2/86.

[2] Muslim 763.

[3] Maraky al-Falah 122.

فيما يفعله المقتدى بعد فراغ إمامه من واجب وغيره

What the Follower Is To Do After the Imam Completes A Pillar Or Other

لو سلم الإمام قبل فراغ المقتدي من التشهد يتمه

If the imam offers the finishing *salams* (*ending the prayer*) yet the follower **has not completed his *tashahhud*, then he is to complete his** tashahhud for the reason that it is ***wajib***, and thereafter perform his finishing salams. However, if the follower has read the tashahhud, but not the ibrahimiya, then he is to omit this and give salam with the imam on the basis that the ibrahimiya is sunna, though joining the imam is necessary [*wajib*]. Additionally, if the imam has risen for the third rak'ah and the follower has not yet recited the tashahhud, then he should recite it, although if he does not complete it and rises with the imam, it is permissible.

ولو رفع الإمام رأسه قبل تسبيح المقتدي ثلاثا في الركوع أو السجود يتابعه

If the imam raises his head before the follower completes his three *tasbih* in bowing or prostration, then the follower must join the imam leaving the ***tasbih***.

ولو زاد الإمام سجدة أو قام بعد العقود الأخير ساهيا لا يتبعه المؤتم ، وإن قيدها سلم وحده

If the imam forgetfully performs an *extra* prostration or stands up *after* performing the last sitting, then the follower is *not* to join him, rather, he is to wait for the imam. **If the imam continues ahead and performs** the extra **rak'ah by prostrating** instead of sitting back down, **then the follower is to give salam alone.** If however, the imam sits down after standing without registering the extra rak'ah by prostrating, then the follower is to give salam with the imam.

وإن قام الإمام قبل العقود الأخير ساهيا ، انتظره المأموم ، فإن سلم المقتدي قبل أن يقيد إمامه الزائدة بسجدة فسد فرضه

And if the imam stands up for the fifth rak'ah **forgetting to perform the last sitting, the follower is to wait** and utter tasbih to warn the imam. **If the follower gives the finishing salams alone *before* the imam prostrates in the additional rak'ah, then the follower's prayer is nullified** because he performed a pillar alone, i.e. the last sitting. Therefore, if the follower gives salam in this case before the imam has registered the extra rak'ah by prostrating, then his prayer is void.

وكره سلام المقتدي بعد تشهد الإمام قبل سلامه

After the imam recites the tashahhud in the last sitting, it is disliked for the **follower to offer the finishing *salams* before him.** It is disliked because he has disconnected from the imam although his prayer is valid. And if the sun rises after the follower has given the finishing salams but before the imam had given salam, then the followers prayer is deemed valid which is agreed upon. Abu Hanifa held that the imam's prayer is void with his two companions disagreeing.[1]

[1] Maraky al-Falah 179.

في الأذكار الواردة بعد الفرض

Remembrance After The Prescribed Prayers

القيام إلى السنة متصلا بالفرض مسنون

To rise for the sunna prayer straight away and link it to the obligatory prayer is a sunna of the Prophet ((peace and blessing of God be upon him)) with the exception that it is recommended to separate a moment between them as A'ishah reported that the Prophet would wait the amount of time it took to recite, "O Allah, You are peace, and peace comes from You, Blessed You are, O Possessor of glory and honour,"[1] thereafter he would stand for the sunna prayer.

وعن شمس الأئمة الحلواني : لا بأس بقراءة الأوراد بين الفريضة والسنة

It has been reported that *Shams al-a-Imma al-Halawany* said, "There is no harm in reciting invocations between the obligatory and sunna prayer," though another Hanifa text *al-Ikhtiyar* maintains the contrary, stating that every prayer that is followed by a sunna is disliked to sit and supplicate for. Instead, one should become pre-occupied with the sunna so that he does not separate the sunna from the obligatory prayer.

ويستحب للإمام بعد سلامه أن يتحول إلى يساره لتطوع بعد الفرض وأن يستقبل بعده الناس

After the imam offers the final salams, it is recommended that he move to his left side to perform the supererogatory prayer which follows the obligatory one. Thereafter, it is recommended that he face the people if he wishes after having completed the supererogatory prayer. Samura Ibn Jundab narrated that the Prophet ((God grant him peace and blessing)) used to face us on completion of the prayer.[2]

ويستغفرون الله ثلاثا

One is then to seek forgiveness with Allah three times, as Thauban (God be pleased with him) reported that when the Prophet of Allah finished his prayer; he begged forgiveness three times and said, "O Allah! You are Peace, and peace comes from You, Blessed You are, O Possessor of glory and honour."[3]

ويقرءون آية الكرسي والمعوذات ويسبحون الله ثلاثا وثلاثين ويحمدونه كذلك ويكبرونه كذلك ثم يقولون (لا إله إلا الله وحده لا شريك له ، له الملك وله الحمد وهو على كل شيء قدير) ثم يدعون لأنفسهم وللمسلمين رافعي أيديهم ثم يمسحون بها وجوههم في آخره

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[1] Abu Dawud, the Book of Prayer.

[2] Bukhari 845.

[3] Muslim 591.

This is followed by reciting the verse *al-Kursy* and the *mu'awwithatain*, which are the last two surahs of the Quran, as Uqbah Ibn Amir (God be pleased with him) said: the Apostle of Allah ((God grant him blessings and peace)) commanded me to recite the *mu'awwithat* after every prayer.[1] One is then to glorify God thirty three times (uttering *"Glory be to Allah" – Subhana Allah*), praise God thirty three times (uttering *"All praise be to Allah" – Al-hamdu Lil Lah*) and magnify His greatness thirty three times (saying *"God is great" – Allahu akbar*) after which one is to say, *"None has the right to be worshipped except Allah, Alone, without partner. To Him belongs all Sovereignty and Praise, and He is over all things, Omnipotent."* Thereafter, one is to supplicate for himself and the Muslims with his hands raised and is to wipe his face with his palms upon completion of the supplication. The Prophet ((God bless him and grant him peace)) said [When you supplicate to God, supplicate with the inward sides of your palms, and do not supplicate using their backsides. When you have completed your prayer, wipe your face with them].[2]

باب ما يفسد الصلاة

Nullifications Of Prayer [3]

وهو ثمانية وستون شيئا

There are sixty-eight things that nullify prayer;

الكلمة ولو سهوا أو خطأ

Speaking a word during prayer, forgetfully or by mistake, renders the prayer void. For example, one may have wanted to say 'O People' intending a verse of Quran but instead said 'O Zaid'. The Prophet ((God grant him peace and blessings)) said [These prayers are such, that it is not correct to utter the talk of people in it].[4] Imam Shafi'i disagrees with respect to the one who makes a mistake or forgets.

والدعاء بما يشبه كلامنا

Supplication with words that resemble the general speech of the people invalidates the prayer.

والسلام بنية التحية ولو ساهيا

[1] Abu Dawud 1518.

[2] Ibn Majah 1181.

[3] Lexically, the word fasad means, contrary to right. Though according to the Hanafi scholars of jurisprudence, it is the term commonly used in relation to acts of worship [*'ibadat*] and stands in the same degree as the term '*butlan*' (void, invalid). For example; one may say, "this prayer is *fasid*" (unsound, corrupt), or "this hajj is *fasid*," or "this fast is *fasid*." And these sayings are the same as saying, "this prayer is *batil*" (invalid) or, "this hajj is *batil*," and "this fast is *batil*." However, with respect to dealings, this is not the case. Hence, the term *fasad* and *butlan* are regarded as the same with respect to worship [*'ibadat*] though not with respect to dealings [*mu'amalat*]. Nur al-Idah 106.

[4] Muslim 537.

To utter the *salam* with the intention of greeting others, nullifies the prayer even if one does so forgetfully for the reason that it is speech.

ورد السلام بلسانه أبو بالمصافحة

Replying to someone's *salam* with the tongue or by shaking hands renders the prayer void, even if one does so forgetfully. However, *a gesture with the hand only, without shaking hands or talking,* is disliked according to all jurists, though the prayer remains sound. The Prophet was reported to have performed this while praying.[1] Jabir narrated: The messenger of Allah sent me for some job. Then I returned and joined him as he was going (on a ride). Qutaibah said that he was performing prayer while he rode. I greeted him and he gestured to me. When he completed the prayer, he called me and said: "You greeted me just now while I was praying." Qutaibah said: "The Prophet was heading eastbound when he was praying."

والعمل الكثير

Excessive movement nullifies prayer, and this excessive movement is judged by an onlooker in whom it appears in his view that one is not engaged in prayer. Moreover, excessive movement is estimated as three continuous movements, such that if one walks three continuous steps, the prayer is null and void. However, if one separates the three movements by walking one step and then stopping, then walking another step and pausing in an effort to conform with the rest of the lines, the prayer remains sound. And it does not matter whether the movements are intentional or inadvertent.[2]

وتحويل الصدر عن القبلة

Turning one's chest away from the direction of prayer. Note: turning one's chest away from the direction of prayer [*qibla*] renders the prayer void if there is no reason to do so. However, if there is a reason, such as a person who accidentally broke his wudu and consequently turned from the qibla to make wudu so he could return and continue the prayer. This is termed *bina'*. In this case, one is pardoned.[3]

وأكل شيء من خارج فمه ولو قل

Eating something from the outside of the mouth invalidates the prayer even if it is small. The reason this is the case is because one is able to abstain from such a thing.

وأكل ما بين أسنانه وهو قدر الحمّصة

Eating that which is between the teeth nullifies prayer if it is the size of a chickpea.

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[1] Muslim.

[2] Al-Fiqh al-Islamy, Ibrahim as-Salkini 297.

[3] Al-Fiqh al-Islamy, Ibrahim as-Salkini 297.

وشربه

Drinking is an annulling factor even if one raises his head to the sky whereby water falls in his mouth.

والتنحنح بلا عذر

To clear the throat without a reason invalidates prayer. If however one has a reason to do so, such as phlegm that prevents one from reciting, then it does not invalidate the prayer.

والتأفيف والأنين والتأوه

To groan, moan or sigh (or exhale loudly) invalidates the prayer.

وارتفاع بكائه من وجع أو مصيبة لا من ذكر جنة أو نار

Audible cries due to pain in the body or due to a calamity, such as a loss of a friend is an annulling factor, **but not the audible cries due to the thought of Paradise or Hellfire** because in this situation, one is in concentration.

وتشميت عاطس بيرحمك الله

Replying to a person who sneezes with the words, *'May Allah have mercy upon you'* ***renders the prayer void*** according to Muhammad and Zufar, though contrary to Abu Yusuf.

وجواب مستفهم عن ند بلا إله إلا الله

Responding with the words, *'There is no deity except Allah'* to someone who was asking if Allah has a partner nullifies prayer because it amounts to speech.

وخبر سوء بالاسترجاع وسار بالحمد لله

Responding to bad news by saying *'To Allah we belong and to Allah we shall return'* or **responding to good news with *'All praise be to Allah,'*** invalidates the prayer.

وعجب بلا إله إلا الله أو سبحان الله

Responding to amazement by uttering *'There is no-one worthy of worship except Allah'* **or responding with *'Glory be to Allah'*** renders the prayer void.

وكل شيء قصد به الجواب كيا يحيى خذ الكتاب

Anything that is intended as a response nullifies prayer, such as the verse ((O Yahya, take hold of the book));[1] which was intended as a response for a person who was asking for a book.

ورؤية متيمم ماء، وتمام مدة ماسح الخف ونزعه

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[1] Maryam 12.

When a person in the state of tayammum sees water and is able to use it, his prayer is nullified. Additionally, when the period of wiping the khuf (footgear) is complete, the prayer is annulled and the same rule applies to a person who takes off his khuf in prayer.

وتعلم الأمي آية

If an illiterate person (who neither reads nor writes) **learns a verse** while he is engaged in prayer alone, then it stands nullified. This occurs by the illiterate person recalling the verse after having forgotten it, or he memorised it immediately after hearing it, or learnt it from an external source outside of the prayer.[1]

ووجدان العاري ساترا

Finding clothes to cover one's nakedness, renders the prayer void.

وقدرة المومي على الركوع والسجود

If a person who prays by nodding his head becomes able to bow and prostrate normally during the prayer, his prayer stands nullified because he cannot construct something strong upon something that began weak.

وتذكر فائتة لذي ترتيب

The remembering of a missed prayer, one which is required to be performed in order, nullifies the prayer. For example; if a person is engaged in the 'asr prayer and then remembers he missed the dhuhr prayer, then the prayer is void and one must make up the missed prayer followed by the current one. This is owing to the order of prayer - which is *wajib*.

واستخلاف من لا يصلح إماما

If, during the prayer, the imam is replaced with someone not eligible for the position of imam, prayer is nullified, such as an illiterate person who has no knowledge as to the procedures of prayer and what it entails or someone insane.

وطلوع الشمس في الفجر

The rising of the sun at dawn invalidates prayer. Accordingly, if the dawn prayer is offered at this time, then it is not valid. This is due to the hadith mentioned earlier that 'Uqbah ibn 'Amir ((God be pleased with him)) said [The Messenger forbade us from praying at three (particular) times] and mentioned, *at the rising of the sun.*

وزوالها في العيدين

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[1] Maraky al-Falah 187.

When the sun moves from its peak at mid-day, both Eid prayers become invalid if the prayer is being offered at such time.

ودخول وقت العصر في الجمعة

When the *'asr* prayer time enters on Friday, the Friday prayer is void and can no longer be performed as the Friday assembly prayer. This may have been due to the imam extending his speech or because they began late. If they begin and *'asr* time enters, the Friday prayer is void.

وسقوط الجبيرة عن برء

If a splint (or bandage) **falls off a healed injury,** the prayer is deemed nullified.

وزوال عذر المعذور

When a person who is exempt [*ma'dhur*] no longer suffers from his condition, the prayer is void. In other words, when the reason of what caused one to be exempt no longer exists, there his prayer becomes invalid. Note: *ma'dhur* is the term used to define a person who suffers from a chronic illness, such as continuous bleeding from the nose or other illnesses that prevent one from maintaining wudu and offering the prayer. This person is excused and permitted to pray even when the condition is present in prayer. However, if such a person ceases to suffer from his illness, the prayer is void.

والحدث عمدا أو بصنع غيره

The prayer is void **if one intentionally breaks his wudu or because his wudu breaks due to the actions of another.** For example, a fruit may have fallen from a tree onto his head and blood flowed as a result.

والإغماء والجنون

Fainting or a fit of insanity in prayer renders it void.

والجنابة بنظر أو احتلام

Discharging sperm due to staring at a sexual object or because of a sexual dream while asleep nullifies the prayer. An example with respect to the first point is looking at something inappropriate or at one's wife while praying.

ومحاذاة المشتهاة في صلاة مطلقة مشتركة تحريمة في مكان متحد بلا حائل ونوى إمامتها

If a man stands alongside a woman who arouses sexual desire - in a complete prayer[1] that both are participating in (*that is – they are joined under the same opening takbir*) **in the same place with no screen between them, and the imam had intended to lead her prayer in his intention at the opening takbir,** then his prayer is void. If the imam does not include her in his intention, then it is of no harm, for her prayer is not permitted.

[1] A complete prayer is one that includes bowing and prostration. This therefore excludes the funeral prayer.

Note: *muhadha* (or closeness) is the standing of women next to men [*with the likelihood of touching*]. If they are near each other for the performance of a pillar according to Muhammad or for the equivalent time according to Abu Yusuf, in a prayer that includes bowing and prostration; and they are participating in the same prayer and the same place without a veil between them; and he did not indicate to her to move back, then his prayer is nullified. For he is ordered to direct her to move back in accordance with what Ibn Mas'ud related – saying, "Move them back insofar as God has moved them behind."[1] If she does not move back with his indication, then her prayer is nullified. The last of the conditions that nullifies his prayer is; that the imam had intended to lead her prayer at the opening Allahu akbar. If the imam does not include her in the intention, it is of no harm since her prayer is not permitted, because without her inclusion, participation is not established in the Hanafi view, with Zufar disagreeing.

Hence, the conditions are: 1) that the woman arouses sexual desire, 2) that they be standing near each other [*muhadha*], 3) that it occur during the performance of a pillar or the time it takes to perform a pillar, 4) that it be in a complete prayer, that is – one that includes bowing and prostration. This therefore excludes the funeral prayer. 5) that they are participating (and joined) in the same prayer (that is, under the same opening Allahu akbar), 6) that it be in the same place, 7) there is no screen or veil between them, 8) the man did not indicate to her to move back and 9) the imam intended to lead her prayer at the opening Allahu akbar.[2]

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A vital note for the following points: If a person inadvertently breaks wudu in prayer, it is permitted for him to leave the prayer, renew wudu and return and continue the same prayer he was performing. This is termed *bina'*. However, there are certain actions that if performed on the way to renewing wudu or on the way back, terminate the prayer and prevent the individual from continuing that very prayer. An example of *bina'* is the following: The Apostle of Allah ((God bless him and grant him peace)) began to lead the people in the dawn prayer. He then signalled with his hand to '*Remain at your places*.' Then he entered his home after which he returned while drops of water were coming down from his head and he led them in prayer.[3] In addition, the Prophet ((God bless him and grant him peace)) said [A person who vomits, has a nose bleed, or emits *madhi* in his prayer is to turn away and perform wudu, and he may then continue his prayer as long as he has not spoken].[4] However, if one engages in certain actions, they would prevent one from continuing the prayer he began and one would consequently be required to begin a new prayer. These actions include:

وظهور عورة من سبقه الحدث ، ولو اضطر إليه ، ككشف المرأة ذراعها للوضوء

[1] Abdur-Razaq fi Musanafih 3/149. [Maraky al-Falah 188].
[2] Maraky al-Falah 188.
[3] Abu Dawud 233.
[4] Ibn Majah and Darqutni. Al-Zayla'i, vol. 2, 60. [Al-Hidayah, 141].

Uncovering the private area [*awrah*] after unintentionally breaking wudu in prayer invalidates the prayer and prevents its continuation, **even if it was necessary to expose the private part in order to purify oneself. An example includes a female who exposed her arms to perform wudu,** since the arm is part of her private area. Therefore, revealing the private part nullifies the prayer and prevents its continuation.

وقراءته ذاهبا أو عائدا للوضوء

Reciting Quran on the way to renewing wudu or when returning from it, nullifies the prayer and one can no longer continue it.

ومكثه قدر أداء ركن بعد سبق الحدث مستيقظا

After inadvertently breaking wudu in prayer, **to remain in the prayer for an amount of time equivalent to performing a pillar, and his remaining is made while he is conscious nullifies the prayer.** This means that if one is aware he has ruined wudu, but remained anyway, the prayer is void. Consequently, it is not permitted for this person to go and perform wudu and return and continue the prayer, rather, he must start a new one. If however, there was a reason for his remainder in the prayer such as over-crowding or he waited until his nose stopped bleeding, then he is permitted to continue the prayer after renewing wudu.

ومجاوزته ماء قريبا (بأكثر من صفين) لغيره

To move away from nearby water to other water invalidates the prayer if the distance was greater than two rows.

وخروجه من المسجد يظن الحدث

A person's exit from the *mosque* believing he has broken wudu renders his prayer invalid. For example, water may have run from one's nose, but he believed it was blood and as a result left the mosque. If this occurs, one is not permitted to continue the prayer. If however, one did not leave the mosque, he is to complete what remains of the prayer.[1]

ومجاوزته الصفوف في غيره بظنه

Crossing the lines of prayer in a place *other than a mosque*, such as a house or the like, **believing oneself to have broken wudu,** nullifies the prayer even if one has not broken wudu.

وانصرافه ظانا أنه غير متوضيء أو أن مدة مسحه انقضت أو أن عليه فائتة أو نجاسة وإن لم يخرج من المسجد

Moving away from one's position believing he is not in a state of wudu, or that the time period of wiping the *footgear* has expired, or believing that he has neglected one of the previous obligatory prayers (which requires the maintaining of order) **or that he has filth on himself, nullifies the prayer even if this person does not exit the mosque in all these cases,** because the moving away from one's place imagining these things, invalidate the prayer and prevent its continuation.

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[1] Al-Hidayah 142.

والأفضل الاستئناف

However, in all such cases with respect to the continuation of prayer (i.e. *bina'*) **it is better to repeat the prayer from the start to avoid the disagreement between the scholars** such as the ruling of Imam Shafi'i {Allah be pleased with him}.

At this point, the rulings pertaining to the bina' of prayer are concluded.

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وفتحه على غير إمامه

To help or instruct other than one's own imam nullifies the prayer. There is no harm if one helps his own imam, but not others because this amounts to teaching and instruction and is therefore a category of human speech. It is reported that the Prophet recited Quran in prayer and left out a word. When he finished the prayer he said, "Is Ubay not among you?" He answered; 'Yes.' The Prophet said, "Did you make mention of it to me (in the prayer)?" He replied; 'I thought it was annulled.' The Prophet returned, "Had it been abrogated, I would have informed you." This shows that a person can help prompt his imam if he forgets the verse or makes an error. Though not another imam. Ali (God be pleased with him) said, "If the imam seeks to eat, then feed him." Meaning, if you see that he needs to be prompted, then do so. It must be pointed out that the reason which caused the Prophet to forget recitation in prayer and miss the prayer from its time on a few occasions is because God allowed this to happen in order to set precedence for mankind as to what they should do if they encounter the same circumstances. It was not a direct mistake on the Prophet's part.[1]

والتكبير بنية الانتقال لصلاة أخرى غير صلاته

To utter, "*Allahu akbar*" during prayer with the intention of changing to another prayer nullifies the first one for the reason that one has ended what he began and achieved what he has intended.[2] An example is a person who begins prayer alone and then intends being a follower of an imam. Al-Hidayah states that if a person, after praying one rak'ah of the *dhuhr*, commences the *'asr* prayer or a supererogatory prayer, then he has rendered his *dhuhr* invalid due to the commencement of another prayer. Another Hanifa text, *Fat'h al-Kadir* states: that if one prays a rak'ah of the *dhuhr* prayer and then changes his intention to that of the *'asr* prayer, then the rak'ah performed for the *dhuhr* is void, since it is valid to change from one intention to another. This is provided that one intends with his heart not his tongue.[3]

إذا حصلت هذه المذكورات قبل الجلوس الأخير مقدار التشهد

[1] Risalah an-Nafi'ah

[2] Maraky al-Falah 190.

[3] Fat'h al-Kadir.

If anyone of these mentioned nullification points occurs before adopting the last sitting for the equivalent time of reciting the tashahhud, the prayer is deemed void. Note: the duration time of the last sitting is the time it takes to recite the tashahhud, though if it occurs after one has adopted the sitting for the equivalent time it takes to recite the tashahhud, then the opted view is that the prayer is valid (as held by Imam Muhammad and Abu Yusuf). However, Abu Hanifa maintained that it is void. The rule here is that coming out of the prayer based on the act of the one praying is obligatory according to Abu Hanifa, while it is not according to the two jurists. Therefore, the involvement of these acts at this stage (*i.e. after the tashahhud in the last sitting*) is the same as their involvement during the prayer, while the two jurists held it is like their involvement after the salams.[1]

ويفسدها أيضا مد الهمزة في التكبيرة

It is also invalid by extending the *hamza* in the takbir, that is, the first letter in Allahu akbar. This invalidates the prayer because the meaning of the words have been severely altered due to the incorrect pronunciation. This point has been mentioned earlier. See the chapter – *How To Perform Prayer.*

وقراءة ما لا يحفظه من مصحف

Reciting Quran that is not memorised; rather it is from the *mus'haf* or another source, annuls the prayer. Abu Hanifa held that if the imam recites his Quran from the *mus'haf*, his prayer is invalid. The two jurists maintained that it remains intact because it is a form of worship.[2]

وأداء ركن أو إمكانه مع كشف العورة أو مع نجاسة مانعة

To perform a pillar of prayer or having time to perform a pillar, during which one's private area is uncovered or during which one has filth on his clothes, nullifies prayer. If however one repels the filth straight after it falls leaving no trace or one covers the private part immediately after it becomes exposed, then the prayer remains sound. The filth in this text is that which is non-excusable and prevents the validity of prayer.

ومسابقة المقتدي بركن لم يشاركه فيه إمامه

Performing a pillar earlier than one's imam, and not being joined by the imam in its performance, invalidates the prayer for the follower. For example: the follower bowed and raised his head before the imam had bowed.

ومتابعة الإمام في سجود السهو للمسبوق

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[1] Al-Hidayah 145.

[2] Al-Hidayah 152.

If a latecomer joins the imam in the prostrations of forgetfulness after he had already risen to make up the actions he missed, his prayer is void. For example: the imam offers one of the final salams after which the latecomer rises. The imam then remembers that prostrations of forgetfulness were required of him, so he prostrates. If the follower now joins the imam after already rising, his prayer is deemed invalid, because he disengaged from the imam.

وعدم إعادة الجلوس الأخير بعد أداء سجدة صلبية تذكرها بعد الجلوس

If, after the last sitting (just before the final salams) **one remembers he omitted a prostration of the prayer, and as a result performs it, then the failure to repeat the last sitting again nullifies his prayer.**

وعدم إعادة ركن أداة نائما

Failure to repeat a pillar after previously performing it while asleep invalidates the prayer, because it is a condition to perform the actions in a conscious state.

وقهقهة إمام المسبوق

A loud burst of laughter by the imam (deliberate or not) **nullifies the prayer even for the one who arrived late to the prayer,** for the prayer of the imam is connected with those behind him.

وحدثه العمد بعد الجلوس الأخير

Intentionally breaking wudu *after* reciting the *tashahhud* in the last sitting invalidates the prayer. This means that if one intentionally breaks wudu after adopting the last sitting for the equivalent time of tashahhud, then his prayer is void according to Abu Hanifa because a section of the prayer has been ruined. The two jurists held that it is valid.

والسلام على رأس ركعتين في غير الثنائية ظانا أنه مسافر أو أنها الجمعة أو أنها التراويح وهي العشاء، أو كان

قريب عهد بالإسلام فظن الفرض ركعتين

Giving the final *salams* of prayer after two rak'ahs believing oneself to be a traveller or believing it to be the Friday prayer or tarawih, wherein reality, it is the *'isha* prayer, which is four rak'ahs, nullifies the prayer. **This is also the case, if one is new to Islam** or emerges as an ignorant Muslim, **and believes the obligatory prayer is two rak'ahs when it is not,** prayer is null and void because he has intentionally given the final salams in a manner of ending the prayer before its time.

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فيا لا يفسد الصلاة

<u>*That Which Does Not Nullify The Prayer*</u>

Whilst the following do not nullify prayer, their performance remains disliked.

لو نظر المصلي إلى مكتوب وفهمه

If the one praying looks at something written and understands it, even if it is Quran or other, it does not invalidate the prayer.

أو أكل ما بين أسنانه وكان دون الحمصة بلا عمل كثير

Eating food that is caught between the teeth with minimal mouth movement, and is less than the size of a chick-pea does not nullify prayer, though is disliked.

أو مر مار في موضع سجوده لا تفسد ، وإن أثم المار

If a person walks on the area where one makes prostration, it does not ruin the prayer even though the one who crosses has committed a sin. And even if the passer was a female, dog or donkey as the Prophet ((Peace and blessing of God upon him)) said [Nothing interrupts prayer, but repulse as much as you can, anyone who walks in front of you, for he is just a devil].[1]

ولا تفسد بنظره إلى فرج المطلقة بشهوة في المختار وإن ثبت به الرجعة

Prayer is *not* ruined if one looks with lust at the genitalia of his divorced wife and this is the opted view on the matter, even if this lustful look establishes her return to him. The prayer remains valid because there is little movement or action involved. If however, he kisses or touches her, then his prayer is nullified. Note; the same rule applies even if the woman is a stranger.

فيما يكره في الصلاة

<u>*That Which Is Disliked In The Prayer*</u>

يكره للمصلي سبعة وسبعون شيئا

Seventy seven things are disliked during prayer:

ترك واجب أو سنة عمدا كعبثه بثوبه وبدنه

It is disliked to intentionally omit a *wajib* or sunna practice, such as fidgeting with one's clothes or body, because one has neglected concentration which is the very spirit of prayer; and due to Allah's saying: [[Successful indeed are the believers, those who humble themselves in their prayers]].[2]

وقلب الحصا إلا للسجود مرة

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[1] Abu Dawud 718.

[2] Muminun 1-2.

To turn over (or brush away) a rock is disliked, except if one does so once for prostration. Jabir Ibn Abdul Bar asked the Prophet ((God bless him and grant him peace)) about the smoothing of a stone, upon which he answered [Once, and if one left it, it is better for you].[1]

وفرقعة الأصابع

Cracking the fingers is disliked during prayer. The Prophet ((God bless him and give him peace)) said [Do not crack the joints of the fingers whilst engaged in prayer].[2]

وتشبيكها

To interlace the fingers is contrary to the actions of prayer and is therefore disliked. Ibn Umar ((God be pleased with him)) said [This is the prayer of those who earn the anger of Allah].[3]

والتخصر

To pray with the hands on the hips is disapproved.

والالتفات بعنقه

Turning the head around by turning the neck is disliked. The Prophet ((God bless him and grant him peace)) said [Allah, the Most High, continues to turn favourably towards a servant while he is engaged in prayer as long as he does not look to the side (by turning his neck), but if he does so, Allah turns from him].[4] The Prophet ((Peace and blessing be upon him)) also said [If only the person praying knew who he is pleasing when he turns the head].[5]

والإقعاء

Sitting in the style of *iq'ah*, such as a dog with the buttocks and arms on the ground and the legs vertical and joined to the chest, is disliked.

وافتراش ذراعيه

Placing the forearms on the ground during prostration is disliked. The Prophet ((Peace and blessing of God be upon him)) is reported as saying [See that none of you stretches out his forearms (on the ground) like a dog].[6]

وتشمير كميه عنهما

To roll up the sleeves off the arms is disapproved.

وصلاته في السراويل مع قدرته على لبس القميص

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[1] Ahmad 3/300.

[2] Ibn Majah 965.

[3] Abu Dawud 988.

[4] Abu Dawud 909

[5] At-Tabarani.

[6] Abu Dawud 896.

To wear trousers only despite one's ability to wear a shirt is disliked. The basis for the disapproval is the lack of recognition and appreciation. It is recommended for a male to pray in all three items: i) underpants or cloth, ii) a shirt and iii) turban. Whereas for females, it is recommended that they wear: i) a long shirt, ii) veil and iii) a complete body wrapper.

ورد السلام با لإشارة

Returning the greeting of *salam* with a *gesture*, such as with the finger or hand, is disliked during prayer.

والتربع بلا عذر

To sit cross-legged in prayer with no reason is offensive because one has left the sunna style of sitting.

وعقص شعره

Having a braid in one's hair during prayer is disapproved because the Prophet ((Peace and blessings of God be upon him)) passed by a man who was praying with his hair braided, upon which he said [Leave your hair to make prostration with you].[1]

والاعتجار وهو شد الرأس بالمنديل وترك وسطها مكشوفا

***I'tijar* is disliked in prayer. *I'tijar* is to tie the head with a scarf or cloth leaving the middle of the head uncovered.**

وكف ثوبه

Holding up the clothes with the hands is disliked in prayer. This is the pulling up of the clothes or holding them up from behind when going into prostration. The Prophet (may the peace and blessings of God be upon him) said, "We have been ordered to prostrate on seven bones and not to tuck up the clothes and the hair."[2]

وسدله ، والاندراج فيه بحيث لا يخرج يديه

Sadl is disapproved. This is the placing of one's shawl on the head and shoulders and then letting the sides hang. **Likewise, placing an item of clothing upon the body in a way that the arms do not pass through the places designated for them,** such as a coat that one places on his back to hang. The Prophet ((God grant him blessings and peace)) said [If one of you has two pieces of clothes, he should pray in them; if he has a single cloth, he should use it as a wrapper and should not hang it upon his shoulders like the Jews].[3]

وجعل الثوب تحت إبطه الأيمن وطرح جانبيه على عاتقه الأيسر

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[1] Tabarani 9/267.

[2] Bukhari 810.

[3] Abu Dawud 635.

It is disliked to **tuck up clothes under the right armpit and fling the sides of the clothes over the left shoulder** or vice versa, for the reason that it is desirable for both shoulders to be covered and because one will be preoccupied with tucking up the clothes.

والقراءة في غير حالة القيام

Reciting Quran in a state other than standing is disliked, such as to finish reciting the Quran in the bowing posture.

وإطالة الركعة الأولى في التطوع

To lengthen the first rak'ah in a voluntary prayer is disliked.

وتطويل الثانية على الأولى في جميع الصلوات

Lengthening the second rak'ah over the first one in all prayers, be they obligatory or voluntary, is disliked.

وتكرار السورة في ركعة واحدة من الفرض

Repeating the same surah in one rak'ah of an obligatory prayer is disapproved. The same applies to one who repeats the same surah in both the rak'ahs provided he does so intentionally and is able to recite another surah from memory. If however, one does not know another surah, then it is wajib for him to read it so that he fulfils the requirement of joining another surah to the Fatiha.[1]

وقراءة سورة فوق التي قرأها

It is disliked to **recite a surah and then reverse the order of Quran by reciting another surah which precedes the one previously read.** This means, it is sunna for the individual to read the Quran in its order of placement, and the first surah after the Fatiha is the *al-Baqarah* and the last is *an-Nas.* Accordingly, if one reads a surah which comes before the one previously read, it is disliked because Ibn Mas'ud ((God be pleased with him)) said [Whoever recites the Quran in reverse, then he is in reverse].[2]

وفصله بسورة بين سورتين قرأهما في ركعتين

It is disliked to **recite a surah, then skip the next surah, and instead recite the one that comes after that.** For example; to recite surah al-Ikhlas in the first rak'ah and then recite surah an-Nas in the second thereby skipping surah al-Falaq.

وشم طيب

Intentionally smelling perfume is not from the actions of prayer and is contrary to the nature of prayer, which is focus and concentration.

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[1] Maraky al-Falah 199.

[2] Al-Baihaqi 2/433.

وترويحه بثوبه أو مروحة مرة أو مرتين

Fanning oneself with one's clothes or with a fan once or twice is disapproved because it is contrary to concentration, even if the movement is minimal.

وتحويل أصابع يديه أو رجليه عن القبلة في السجود وغيره

Turning away the fingers of the hands and toes of the feet from the direction of prayer during prostration and during other positions where it is possible to direct them at the qibla is disliked, such as when in tashahhud and the hands are placed on the thighs.

و ترك وضع اليدين على الركبتين في الركوع

Neglecting to place the hands on the knees during the bowing is disapproved. This is also the case, if one does not place the hands on the thighs between the two prostrations, or does not place the right hand over the left whilst standing.

والتثاؤب وتغميض عينيه

Yawning and closing the eyes in prayer is disliked. The Prophet ((God bless him and grant him peace)) said [If one of you stands in prayer, he should not shut his eyes].[1] Also, Abu Hurairah ((God be pleased with him)) reported the Prophet ((God grant him blessings and peace)) saying [Yawning is from Satan and if anyone of you yawns, he should check his yawning as much as possible, for if anyone of you (during the act of yawning) should say 'ha', Satan will laugh at him].[2]

ورفعهما للسماء

Raising the eyes to the sky is disliked in prayer. The Prophet ((May Allah bestow blessings and peace upon him)) said ['What is wrong with those people who look (upwards) toward the sky in prayer.' He then said sternly, "They should stop doing that; otherwise their sight will be snatched away."].[3]

والتمطي

Stretching the body in prayer is disliked because it is from sluggishness and laziness.

والعمل القليل

Minimal movement that is incompatible with prayer is disliked.

وأخذ قملة وقتلها وتغطية أنفه وفمه

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[1] Tabarani 2/356.
[2] Bukhari 3289.
[3] Bukhari 750.

Taking an ant and killing it is disapproved without a reason. Though if it bites, it is not disliked. Umar Ibn al-Khattab ((God be pleased with him)) would kill the ant in prayer until its blood appeared on his hand.[1] **Also, to cover the face and mouth during prayer is disliked.**

ووضع شيء في فمه يمنع القراءة المسنونة

Placing something in the mouth that prevents the recitation of Quran is disliked, such as money or tissue. If however, it is something that melts, it nullifies prayer.[2]

والسجود على كور عمامته

Prostration on the wrapping of the turban without having a reason such as intense heat or frost on the ground, is disliked. Note: if the wrapping is around the forehead and is prostrated on, it is valid for the reason that a covering between the forehead and ground does not prevent the validity of prostration.[3]

وعلى صورة

To prostrate on a picture that resembles living beings is disapproved.

والاقتصار على الجبهة بلا عذر بالأنف

To prostrate using only the forehead without having a valid reason with the nose is disliked since it is *wajib* to place the nose unless one has a reason.

والصلاة في الطريق

To pray on a road that people use is disliked.

والحمام ، وفي المخرج

To pray in a washroom or in the vicinity where a person relieves himself such as a communal toilet is detested. In the time of the Prophet ((God bless him and give him peace)) there were areas where people went to relieve their need known as a communal toilet area or dunghill. Note: the term washroom means a place of washing only that does not have a toilet in it.

وفي المقبرة وأرض الغير بلا رضاه

Prayer at graveyards is detested. Ibn Umar said [The Prophet forbade the observance of prayer in seven places: a dunghill, a slaughter house, a graveyard, the middle of the path, a bathroom and a watering place where camels drink water and sit, and upon the (roof) of the ka'bah].[4] **Additionally, to pray on land without the permission of its owner** is disliked.

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[1] Ila as-Sunan 5/151.
[2] Maraky al-Falah 201.
[3] Maraky al-Falah 201.
[4] Ibn Majah 746.

وقريبا من نجاسة

To pray within a short proximity of filth is disliked since we are ordered to distance ourselves from filth and its place.

ومدافعا لأحد الأخبثين أو الريح

To resist the urge of urination or defecation in prayer or to resist the urge of breaking wind is disapproved. The Prophet ((Peace and blessings of God be upon him)) said [It is not permissible for a man who believes in Allah and the last day to perform the prayer while he is feeling the call of nature until he becomes light].[1]

ومع نجاسة غير مانعة إلا إذا خاف فوت الوقت أو الجماعة ، وإلا ندب قطعها

To pray with *excusable filth* upon one's clothes or body is disliked unless one fears he will miss the prayer time or the congregational prayer, because to miss the obligatory prayer from its time is unlawful and to offer the prayer in congregation is an established sunna at least, **though if one does not fear this, then it is preferable to remove the filth.** Note: this type of filth is that which does not prevent the prayer from being valid.

والصلاة في ثياب البذلة

Prayer in work clothes that are not shielded from general dirt is disliked.

ومكشوف الرأس إلا للتذلل والتضرع

To pray with the head uncovered is disapproved except if one does so out of humility and humbleness to God.

وبحضرة طعام يميل إليه وما يشغل البال ويخل بالخشوع

Offering the prayer in the presence of food that one has desire for, is disliked on the basis of distraction. **Furthermore, anything that distracts the mind and reduces concentration** is disliked.

وعد الآي والتسبيح باليد

To count the verses of Quran on the hand as well as the *tasbih* is disapproved, though Imam Muhammad and Abu Yusuf held that it is not disliked. Regardless of these different views, if one counts with the tongue, prayer is void according to all jurists.

وقيام الإمام في المحراب أو على مكان أو الأرض وحده

[1] Abu Dawud 91.

It is disliked for the imam to stand alone in the mihrab (prayer-niche) or to stand alone on a raised platform or higher ground, the reason being that it resembles the Jews and Christians in that their leader is specified in a special place by himself. Ibn Mas'ud ((God be pleased with him)) said [The Prophet forbade the imam from elevating himself upon something, and the people are following].[1]

والقيام خلف صف فيه فرجة

In a congregational prayer, if there is room in a row in front, then to stand behind it, is disliked. The Prophet ((God bless him and grant him peace)) said [Allah and His Angels invoke blessings on those who arrange the rows (in prayer) in a compact form and he who fills some space in the rows, Allah elevates him a degree on that account].[2]

ولبس ثوب فيه تصاوير وأن يكون فوق رأسه أو خلفه أو بين يديه أو بحذائه صورة إلا أن تكون صغيرة أو مقطوعة الرأس أولغير ذي روح

To wear clothes that have pictures of living things are disliked to offer prayer in. **This is also the case if there are pictures suspended above or behind one's head, or between one's hands** on the floor. **Likewise being near a picture during prayer is disliked, except if it is tiny,** such as a dirham which gives resemblance of a king **or the head of the picture is missing,** for nothing can be worshipped without a head, **or the picture resembles objects without a soul,** such as an ocean.

وأن يكون بين يديه تنور أو كانون فيه جمر

To pray while there is a hot pot or brazier containing coal right in front of the person praying is disliked because it resembles those who worship fire.

أو قوم نيام

To pray directly in front of a group of people who are sleeping is disapproved for fear of laughing or making eye contact that would cause one to be shy or lose concentration. If however this was not the case, then there is no dislike. A'ishah ((God be pleased with her)) narrated that [The Prophet ((God bless him and grant him peace)) used to offer prayer while I used to sleep across in his bed in front of him, and then, when he wanted to pray witr, he would wake me up and I would pray witr].[3]

ومسح الجبهة من تراب لا يضره في خلال الصلاة

To wipe away dirt from the forehead that will not affect one during the prayer, is disliked because it is a form of fidgeting when there is no reason to do so. This is also the case with wiping away sweat. If however, these things will cause harm, then there is no objection.

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[1] Ibn Hajar, Takhlis al-Habir 2/43.

[2] Ibn Majah 995.

[3] Bukhari 512.

وتعيين سورة لا يقرؤ غيرها إلا ليسر عليه ، أو تبركا بقراءة سيدنا النبي صلى الله عليه وسلم

Reciting none other than one particular surah is disliked, unless one does so to ease the matter or to imitate the recitation of the Prophet to receive blessings ((God bless him and grant him peace)).

وترك اتخاذ سترة في محل يظن المرور فيه بين يدي المصلي

It is disliked if one neglects to place a barrier (screen) when offering the prayer in a place where someone is likely to pass in front of him. The Prophet ((God bless him and grant him peace)) said [When anyone of you prays, he should pray toward the barrier, should stand close to it and should not allow anyone to pass in front of him].[1]

في اتخاذ السترة ودفع المارة بين يدي المصلي إذا ظن مروره

Placing A Barrier (Screen) And Preventing A Passer-by from Crossing.

(إذا ظن مروره) يستحب له أن يغرز سترة ، تكون طول ذراع فصاعدا في غلظ الإصبع

If the person intending prayer believes that someone will pass in front of him, then it is recommended for him to insert a barrier the height of an arm's length or more into the ground with the thickness equivalent to a finger.

والسنة أن يقرب منها ، ويجعلها على أحد حاجبيه ولا يصمد إليها صمد

The sunna is to stand close to the barrier; and to place it at either side of the forehead and not face it directly, but rather be either a little to the right or left of it. The Prophet ((God bless him and grant him peace)) said [When one of you prays facing a barrier, he should keep close to it, and not let the devil interrupt his prayer].[2]

وإن لم يجد ما ينصبه فليخط خطا طولا ، وقالوا بالعرض مثل الهلال

If there is nothing available to place as a barrier, then one is to draw a perpendicular line in front of him, while some scholars maintain that he is to draw the shape of a crescent horizontally, and if the ground is hard, then one is to put something in front of him in a straight line. Abu Hurairah reported the Prophet ((God bless him and grant him peace)) as saying [When one of you prays, he should put something in front of his face, and if he cannot, he should set up his staff; but if he has no staff, he should draw a line; then what passes in front of him will not harm him].[3] According to Ahmad Ibn Hanbal, it should be in the form of a semi circle.

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[1] Muslim 505.

[2] Abu Dawud 695.

[3] Ibn Majah 943.

والمستحب ترك دفع المار

It is recommended whether or not one has placed a barrier, not to drive back a person who tries to pass through the area of prostration, for prayer is based upon tranquillity and calm.

ورخص دفعه بالإشارة أو بالتسبيح وكره الجمع بينهما

If someone tries to pass in front of the person praying, he is permitted to drive him back with gestures of the head, eyes, or something other than this, or with *tasbih*, such as saying, *'Glory be to Allah'*, though it is disliked to perform both because one of the acts suffices. The Prophet ((God bless him and grant him peace)) gestured with the children of Umm Salama.[1]

ويدفعه برفع الصوت بالقراءة

A male is permitted to drive back those who try to pass, by elevating his voice when reciting Quran.

وتدفعه بالإشارة أو التصفيق بظهر أصابع اليمنى على صفحة كف اليسرى ولا ترفع صوتها لأنه فتنة

Females are to ward off passers with gestures or with the clapping of their hands, using the top part of the right hand onto the inside palm of the left hand. The Prophet ((God bless him and grant him peace)) said [The men should say *'Glory be to Allah'* {*Subhan Allah*} and the women should clap];[2] however, the women are not to raise their voice, not in recitation or in tasbih because their voices are fitna (temptation).

ولا يقاتل المار، وما ورد مؤول بأنه كان والعمل مباح وقد نسخ

The one praying is not to inflict physical violence upon the one trying to pass. And with respect to what is related in the hadith of the Prophet ((Peace be upon him)) who said [When one of you prays, he should not let anyone pass in front of him; he should remove him away (by force) as far as possible, but if he refuses, he should fight him for he is only a devil];[3] this was uttered by the Prophet at a time when one was still permitted to make actions in prayer, such as shaking hands for salam, but indeed such actions have been annulled which means the 'hostile' section of the hadith is also annulled.

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[1] Ibn Majah 948.

[2] Bukhari.

[3] Abu Dawud 697

فيما لايكره للمصلي

That Which Is Not Disliked In Prayer

لايكره له شد الوسط

To tie something around the waist, such as a belt or something similar is not disliked.

ولا تقلد بسيف ونحوه إذا لم يشتغل بحركته

It is not disliked to carry a sword or something similar during prayer provided it does not distract one with its movement.

ولا عدم إدخال يديه في فرجيه وشقه على المختار

Placing the hands in the two openings at the front of the traditional shirt or in the split of the openings is not disliked, and this is the preferred view for it does not take away from one's concentration.

ولا التوجه لمصحف أو سيف معلق

There is no dislike if there is a Quran in front of the person praying or a sword hanging in front of him, because neither of them is worshipped. Allah said [When you (O Messenger) are with them, and stand to lead them in prayer, let one party of them stand up with you (in prayer) taking their arms with them].[1]

أو ظهر قاعد يتحدث أو شمع أو سراج على الصحيح

Praying towards the back of a person who is talking is not disliked because Ibn Umar ((God be pleased with him)) on occasions used to take Nafi' as a barrier on his journeys.[2] Likewise, praying towards a candle or lamp is not disapproved, and this the most sound view because it does not resemble those who worship the fire.

والسجود على بساط فيه تصاوير لم يسجد عليها

To prostrate on carpet that has pictures on it resembling living beings, is of no harm provided one does not perform the prostration on the pictures.

وقتل حية وعقرب خاف أذاهما ولو بضربات وانحراف عن القبلة في الأظهر

Killing a snake or scorpion fearing they may cause harm, even if it takes multiple strikes to kill them and during which one skews from the direction of prayer, is not disliked, and this is the most evident view on the matter. This is specifically for one who feared harm. If one had no fear and yet killed them with a lot of movement, there is disagreement if the prayer is nullified or not.

ولا بأس بنفض ثوبه كيلا يلتصق بجسده في الركوع

[1] An-Nisa 102.

[2] Ibn Abi Shaybah, Al-Zayla'i, vol, 2/96.

There is no harm if one shakes his clothes to prevent them from sticking to his body in the bowing posture.

ولا بمسح جبهته من التراب أو الحشيش بعد الفراغ من الصلاة ولا قبل الفراغ إذا ضره أو شغله عن الصلاة

There is no objection if one wipes his forehead from dirt or grass after the prayer is complete. And neither is it disliked prior to its completion if it disturbs one's concentration in prayer or could potentially harm him.

ولا بالنظر بموق عينيه من غير تحويل الوجه

If one looks (right or left) through the corner of his eyes without turning the face, it is not disliked. However, it is better to omit it because it is from the conduct of prayer to look at the area of prostration.

ولا بأس بالصلاة على الفرش والبسط واللبود. والأفضل الصلاة على الأرض أو على ما تنبته

There is no harm if one prays on a mattress, carpet or board provided the head meets the firmness of the ground. However, the best prayer is on the ground or on that which the earth produces such as grass and straw.

ولا بأس بتكرار السورة في الركعتين من النفل

There is no harm if one repeats the same surah in two rak'ahs of a voluntary prayer, i.e. to read it once in the first rak'ah and repeat it again in the second rak'ah of the prayer.

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فيما يجب قطع الصلاة وما يجيزه وغير ذلك

When Is It Necessary [Wajib] To Cut Off Prayer And When It Is Permitted

يجب قطع الصلاة باستغاثة ملهوف بالمصلي لا بنداء أحد أبويه

It is *wajib* to cut off prayer, even though it is an obligatory one if there are desperate calls for help from someone. Though not with the normal calls of a parent because to discontinue prayer is only permitted when there is a need. Imam at-Tahawi held this view for the obligatory prayer. However, with respect to *voluntary* prayer, if one of the parents knows that their child is engaged in prayer and he is called, then there is no harm in not responding to the call. Though if both are unaware about one's engagement in prayer, then he is to answer them.[1]

ويجوز قطعها بسرقة ما يساوي درهما ولو لغيره، وخوف ذئب على غنم أو خوف تردي أعمى في بئر ونحوه

It is permissible to cut off prayer, even though it is an obligatory one, if there is a thief who is stealing anything equivalent to a dirham, even if the property belongs to someone else or because one fears a wolf or something like it is about to attack the sheep, or fears that a blind man may fall into a well or hole. Note: If the one

[1] Maraky al-Falah 214.

observing prayer believes that a blind man may fall in a hole, it becomes wajib to disengage prayer and attend to him. In this case, the person praying has a duty of care towards this person.

وإذا خافت القابلة موت الولد ، وإلا فلا بأس بتأخيرها الصلاة وتقبل على الولد

It is *wajib* for the midwife (or nurse) to cut off prayer if she fears the death of a child or its mother. If she has not started the prayer, then there is no harm in delaying the prayer and attending to the child or mother.

وكذا المسافر إذا خاف من اللصوص أو قطاع الطريق جاز له تأخير الوقتية

This is also the case if a traveller fears from a thief, highway robber, or fears from an animal, in that it is permitted to delay the obligatory prayer of that time until it is safe.

حكم تارك الصلاة

The Ruling Of One Who Neglects Prayer

وتارك الصلاة عمدا كسلا يضرب ضربا شديدا حتى يسيل منه الدم ويحبس حتى يصليها. وكذا تارك صوم رمضان ولا يقتل

إلا إذا جحد أو استخف بأحدهما

The one who intentionally neglects prayer due to laziness or idleness, is to be beaten harshly until blood flows from his body and is then imprisoned during which he is subject to physical pain, **until he performs his prayers** or dies in confinement. **This ruling also applies for one who does not fast Ramadan** due to laziness, i.e. he is beaten and imprisoned. **However, one is not to be killed** for leaving prayer or fasting due to idleness, **unless he rejects the belief that prayer and Ramadan are obligatory or unless he belittles either one of them.**

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باب الوتر

The Chapter Of Witr

الوتر واجب وهو ثلاث ركعات بتسليمة

The prayer of witr is necessary [*wajib*]. This was the ruling held by Imam Abu Hanifa, **and it is three rak'ahs with one pair of finishing salams** only in the last rak'ah. That is, the three rak'ahs are not separated from each other through salams. A narration from Ibn Mas'ud, Ubay ibn Ka'b, A'isha and Umm Salam reports that the Messenger of Allah ((God bless him and grant him peace)) would perform witr consisting of three rak'ahs, and would not give salam except at the end of the three.[1] The Prophet ((God bless him and grant him peace)) said [The witr is a duty, so he who does not observe it does not belong to us; the witr is a duty, so he who does not observe it does not belong to us; the witr is a duty, so he who does not observe it does not belong to us].[2] In addition, the one who denies the validity of this prayer is not deemed an unbeliever as its requirement has been established through the sunna. It is performed at the time of 'isha, therefore its *adhan* and *iqama* are deemed sufficient for it.[3]

Abu Yusuf and Muhammad held the witr as sunna on the basis of the Prophet's saying, "Three is prescribed for me and has not been written upon you."[4] However, according to the two companions, it is of the highest levels with respect to the sunan, to the extent that it is not permitted seated with the ability to stand and neither upon one's beast without an excuse. Moreover, the witr is to made up as *qada* if missed as mentioned in al-Mahit.[5]

ويقرأ في كل ركعة منه الفاتحة وسورة ويجلس على رأس الأولين منه ويقتصر على التشهد

In each rak'ah of the witr prayer, it is *wajib* to recite the Fatiha and a surah. One is also required to adopt the sitting posture at the end of the second rak'ah and recite only the tashahhud.

ولا يستفتح عند قيامه للثالثة

And one is not to recite the opening glorification of prayer when standing for the third rak'ah because one is not beginning another prayer.

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[1] Extracted by Ibn Abu Ya'la from Ibn Mas'ud that the Prophet would recite in the first rak'ah of the witr "*Sabih Isma Rabbikal A'la*," and in the second rak'ah "*Qul Ya Ayyuhal Kafirun*," and in the third rak'ah "*Qul huwallahu Ahad*." Hadith Ubay is reported in the Musnad of Ahmad 5/123, Nasai 3/235 and Ibn Majah 1182. The hadith of A'isha is reported in Al-Mustadrak, 1/304 and is related by Ahmad in his Musnad 1/155-156 and Nasai in Mujtaba Min as-Sunan 3/234, 1698. Al-Hakim said that the hadith is sound meeting the conditions of Bukhari and Muslim. [Al-Ikhtiyar 85].

[2] Abu Dawud, 1414. Al-Hakim confirmed the authenticity of this hadith.

[3] Maraky al-Falah 216 / Al-Hidaya 159.

[4] Al-Ikhtiyar 85

[5] Al-Ikhtiyar 84-85.

وإذا فرغ من قراءة السورة فيها رفع يديه حذاء أذنيه ثم كبر وقنت قائما قبل الركوع في جميع السنة

After the recitation of the surah in the third rak'ah, one is to raise his hands to the level of the ears and say, *"Allahu akbar"* and thereafter supplicate while standing before bowing, and this is to be performed as described everyday throughout the year. The Prophet ((God bless him and grant him peace)) [Would perform qunut in the witr before ruku];[1] and according to Abu Hanifa one is to place the right hand over the left hand, whereas Abu Yusuf held, that one should raise the hands as Ibn Mas'ud would raise them with the palms facing the sky. In addition, Imam Shafi'i held that one should not supplicate qunut in the witr prayer except in the second half of the month of Ramadan and held that the qunut is after the bowing posture.[2]

ولا يقنت في غير الوتر

One is *not* to utter the qunut (supplication) except in the witr. Imam Shafi'i held that one is not to utter the qunut in the witr prayer except in the second half of Ramadan, though he held that it is to be uttered in the dawn prayer throughout the year. The Prophet ((God bless him and give him peace)) uttered the qunut for one month in the fajr prayer invoking Allah to punish the tribes of Ril and Dhakwan.[3] This was because the Prophet ((Peace and blessings of God be upon him)) was betrayed which led to seventy Muslims being slain upon which he supplicated in the dawn prayer. Imam Abu Jafar at-Tahawi said that one should not recite the qunut in the dawn prayer unless a calamity has transpired, in which case there is no harm. If the qunut is made in the dawn prayer, it is performed after the bowing as the Prophet performed.

With regards to reciting qunut in all the prayers in the event of a calamity upon the Muslims, only Imam Shafi'i held this view. Though Imam Ibn Abidin held that in the event of a calamity, the imam is to recite the qunut in the audible prayers only and this is the view held by Imam Ahmad and Imam Thawri.[4]

والقنوت معناه الدعاء وهو أن يقول : اللهم إنا نستعينك ونستهديك ونستغفرك ونتوب إليك ونؤمن بك ونتوكل عليك ونثني عليك الخير كله، نشكرك ولا نكفرك ونخلع ونترك من يفجرك. اللهم إياك نعبد ولك نصلي ونسجد واليك نسعى ونحفد نرجو رحمتك ونخشى عذابك إن عذابك الجد بالكفار ملحق وصلى الله على سيدنا النبي وآله وسلم ، والمؤتم يقرأ القنوت كالإمام.

[1] An-Nasai 1698

[2] Maraky al-Falah 217.

[3] Bukhari 1003

[4] Maraky al-Falah 218.

The meaning of qunut is supplication, and it is to say [*O Allah we ask Your help, Your forgiveness and Your guidance. In You we believe, on You we rely, You we Praise with every good, we are grateful to You and not ungrateful, and disown, abandon him who commits outrages against You. O Allah, You alone do we worship, to You we pray and prostrate. You we strive for and hasten to obey, hoping for Your Mercy and fearing Your punishment. Truly, Your earnest punishment shall overtake the unbelievers, and may the peace and blessings be upon Muhammad, our Prophet and his family*], and the follower is to recite the qunut like the imam.

وإذا شرع الإمام في الدعاء بعد ما تقدم قال أبو يوسف رحمه الله : يتابعونه ويقرءونه معه. وقال محمد : لا يتابعونه ولكن يؤمنون

If the imam begins to recite an extra supplication after the first one, Imam Abu Yusuf said, *"The follower is to join the imam and recite the supplication with him"* whereas Imam Muhammad said, *"The follower is not to join the imam, but rather should say, 'Amin' only."*

والدعاء هو هذا : اللهم اهدنا بفضلك فيمن هديت وعافنا فيمن عافيت وتولنا فيمن توليت وبارك لنا فيما أعطيت وقنا شر ما قضيت إنك تقضي ولا يقضى عليك إنه لا يذل من واليت ولا يعز من عاديت تباركت ربنا وتعاليت. وصلى الله على سيدنا محمد وآله وصحبه وسلم

The extra supplication is [*O Allah guide us along with those You have guided, pardon us along with those You have pardoned, be an ally to us along with those whom You are an ally to and bless for us that which You have bestowed. Protect us from the devil. You have decreed for verily You decree and none can decree over You. For surely, he whom You show allegiance to is never abased and he whom You take as an enemy is never honoured and might. O our Lord, Blessed and Exalted are You, and may the peace and blessings be upon Muhammad and his family and his Companions*].

ومن لم يحسن القنوت يقول : اللهم اغفر لي ثلاث مرات ، أو ربنا آتنا في الدنيا حسنة وفي الآخرة حسنة وقنا عذاب النار، أو يا رب يا رب يا رب

Whoever does not know the qunut is to say, [*O Allah, forgive me*] three times or [*Our Lord, give us good in this life and good in the hereafter and keep us away from the torment of the fire*] or [*O Lord, O Lord, O Lord*].

وإذا اقتدى بمن يقنت في الفجر قام معه في قنوته ساكتا في الأظهر ويرسل يديه في جنبيه

If one follows an imam who recites the qunut in the dawn prayer, he is to perform it with the imam silently according to the most evident view and keep his hands down by his sides.

وإذا نسي القنوت في الوتر وتذكره في الركوع أو الرفع منه لا يقنت ولو قنت بعد رفع رأسه من الركوع لا يعيد الركوع ويسجد للسهو لزوال القنوت عن محله الأصلي

If one does not remember to say the qunut in the third rak'ah of the witr and then remembers it during the bowing or when rising from it, he is *not* to say it, but rather should leave it and make the prostrations of forgetfulness. **If however one utters the qunut after raising his head from the bow, he is *not* to repeat the bow, but must perform the prostrations of forgetfulness for moving the qunut from its original position** and delaying a necessary action.

ولو ركع الإمام قبل فراغ المقتدي من قراءة القنوت أو قبل شروعه فيه وخاف فوت الركوع تابع إمامه

If the imam bows before the follower completes his qunut or the imam bows before the follower even begins it, then the follower is to leave it and join the imam if he fears that he will miss the bowing with the imam. If on the other hand, he does not fear he will miss the imam in the bowing, then he is to supplicate and then join the imam if possible.

ولو ترك الإمام القنوت يأتي به المؤتم إن أمكنه مشاركة الإمام في الركوع وإلا تابعه

If the imam does not utter the qunut, then the followers should, provided it is possible to join the imam in the bowing. If it is not possible, then the follower is to disregard the qunut and join the imam.

ولو أدرك الإمام في ركوع الثالثة من الوتر كان مدركا للقنوت فلا يأتي فيما سبق به

If a latecomer to the group prayer catches the imam in the third rak'ah of the witr prayer, then he is regarded as having caught the qunut in the legal sense; meaning even though he missed the qunut, the fact that he caught the third rak'ah is legally ruled as having caught the qunut. **Accordingly, he is not to make up the qunut when he stands to perform the actions he missed with the imam.**

ويوتر بجماعة في رمضان فقط

It is recommended that the witr be prayed in congregation only in the month of Ramadan, which is what the majority maintain, whereas outside of Ramadan it is better to pray the witr alone. However, *Shams al-a-Imma* said regarding witr outside of Ramadan that if there is only one or two followers with the imam, there is no dislike because the Prophet ((God bless him and grant him peace)) would wake A'ishah and she would perform witr with the him.

وصلاته مع الجماعة في رمضان أفضل من أدائه منفردا آخر الليل في اختيار قاضيخان، قال هو الصحيح، وصحح غيره خلافه

The witr prayer in congregation in the month of Ramadan is superior than to pray it alone at the end of the night, because when it is permitted to pray as a group it is superior and greater. Umar (Allah be pleased with him) would perform witr in congregation, **and this is the most sound opinion as stated by Imam *Qadikhan*. Though other scholars maintain that the opposite is the soundest view.**

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في النوافل

Supererogatory Prayer [Nawafil]

The author used the term *nawafil* and not sunan given that it is more common and in view of the fact that all sunna is deemed nafl, though not vice versa. Linguistically, *nafl* means extra, and legally, it is actions that are not obligatory, not wajib and not sunna. And this is synonymous with the term voluntary or optional, which is an act of worship performed by a person without being required to do so.[1]

سن سنة مؤكدة

The emphasized sunan are:

ركعتان قبل الفجر

The two rak'ahs before the dawn prayer *(fajr)*, and this is one of the most emphasized sunna, to the degree that Abu Hanifa said, "If one prays it while sitting without a reason, it is not permitted." Abu Hanifa relied on the words of the Prophet ((Peace and blessings be upon him)) [Do not omit them (the rak'ahs of dawn) even if you are driven away by horses].[2]

وركعتان بعد الظهر وبعد المغرب وبعد العشاء وأربع قبل الظهر

The two rak'ahs after the noon prayer *(dhuhr)*, after the sunset prayer *(maghrib)*, after the nightfall prayer *('isha)*, and the four rak'ahs before the noon prayer *(dhuhr)*. The Prophet ((God bless him and grant him peace)) said [A person who persists in praying twelve rak'ahs in a day and night, for him God will build a house in heaven].[3]

وقبل الجمعة وبعدها بتسليمة

Equally, the four *rak'ahs* before and after the Friday prayer finishing them with *salams* in the last rak'ah are emphasized sunan. Ibn Abbas ((God be pleased with him)) reported that the Prophet ((God bless him and give him peace)) would perform four before the Friday prayer and Abu Hurairah reported that the Prophet said ((After Jumu'a, you should perform four rak'ahs)).[4]

وندب أربع قبل العصر والعشاء وبعده وست بعد المغرب

The recommended sunan are the four *rak'ahs* before the *'asr* and the four before and after the *'isha* prayer. The Prophet ((God bless him and give him peace)) [Would offer four rak'ahs before 'isha and four rak'ahs after 'isha upon which he

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[1] Maraky al-Falah 225.

[2] Abu Dawud 1253

[3] Recorded by the Imam's of sound compilation except Bukhari. Al-Zayla'i, vol. 2, 137-38.

[4] Ibn Majah 1129, 1132.

would rest].[1] **Likewise, the six rak'ahs after the maghrib prayer** are recommended sunan as the Prophet ((God bless him and give him peace)) said [He who prayed six rak'ahs after the maghrib prayer would be made equivalent to the worship of twelve years].[2]

ويقتصر في الجلوس الأول من الرباعية المؤكدة على التشهد ولا يأتي في الثالثة بدعاء الاستفتاح بخلاف المندوبة

When performing an emphasized sunna prayer which is four rak'ahs, one is to limit the first sitting to the tashahhud only, and when one stands for the third rak'ah, he is *not* to repeat the opening supplication (*istiftah*),[3] contrary to a voluntary prayer that consists of four rak'ahs, for verily in a four rak'ah voluntary prayer, one is to recite the opening supplication and *ta'awwudh* in the third rak'ah. This is not the case with an emphasized sunna prayer.

وإذا صلى نافلة أكثر من ركعتين ولم يجلس إلا في آخرها صح استحسانا، لأنها صارت صلاة واحدة وفيها: الفرض الجلوس آخرها

If one offers a voluntary prayer consisting of more than two rak'ahs (such as four) **and does not sit for tashahhud except at the end, the prayer is deemed valid because it has integrated as one prayer that included a compulsory sitting at the end.** Note: the validation of this prayer is based on the principle of Istihsan. Istihsan literally means to approve or to deem something preferable. In its juristic sense, Istihsan is a method of exercising personal opinion in order to avoid any rigidity that might result from the literal enforcement of the existing law.

وكره الزيادة على أربع بتسليمة في النهار

It is disliked to pray more than four rak'ahs of voluntary prayer in the daytime with only one (pair) of salams. Meaning, four should be the maximum number of rak'ahs a person prays; thereafter it is recommended to offer the finishing salams. To offer more with only a single pair of salams at the end is disliked. *Hence, one pair of salams is to separate every four rak'ahs of voluntary day prayer.*

وعلى ثمان ليلا

It is disliked to pray more than eight rak'ahs of voluntary prayer in the night with only one (pair) of salams. Meaning, one pair of salams is to separate every eight rak'ahs of voluntary prayer at night, otherwise, it is disliked.

والأفضل فيهما رباع عند أبي حنيفة وعندهما الأفضل في الليل مثنى مثنى وبه يفتى

The best practice in the day and night with respect to voluntary prayer is to perform them in *fours* according to Abu Hanifa. A'ishah ((God be pleased with her)) said that the Prophet would offer four rak'ahs, do not ask about their

[1] Abu Dawud, the Book of Prayer.
[2] Ibn Majah 1374.
[3] This is also referred to as the opening praise or glorification [thana'], which is read for the commencement of all prayers.

excellence and length (since they were inimitable in perfection and length). He (secondly) would offer four rak'ahs, do not ask about their excellence and length.[1] There is also another narration that the Prophet was diligent in performing the *mid-morning* [*duha*] as four rak'ahs and diligent in performing four at night-time].[2] **Although Imams Abu Yusuf and Muhammad held that the best practice in the day is to perform voluntary prayer in *'fours'*** as Abu Hanifa held, **whereas the best practice at night is to perform them in pairs, and the fatwa issued is in accordance with this.** The Prophet ((God bless him and give him peace)) said [The night vigil prayer is offered as two rak'ahs followed by two rak'ahs].[3]

وصلاة الليل أفضل من صلاة النهار

Voluntary prayer at night particularly in the last third, **is superior to voluntary prayer in the day,** since it entails greater difficulty and due to the saying of Allah: "They forsake their beds of sleep, the while they call on their Lord, in fear and hope: and spend (in charity) out of the sustenance which We have bestowed on them."[4]

وطول القيام أحب من كثرة السجود

To prolong the standing (in the night or day prayer) **is better than performing a large number of prostrations.** Note: a person achieves a large number of prostrations by praying more rak'ahs. Though if one lengthens his standing (i.e. recitation) instead of this, it is the most excellent practice. The Holy Prophet ((God bless him and give him peace)) was asked as to which prayer is the most excellent one? He answered, "The prayer containing prolonged qunut."[5] The scholars of hadith have interpreted qunut as standing in prayer. Thus, lengthy recitation of Quran is the best prayer.[6]

في تحية المسجد وصلاة الضحى وإحياء الليالي

Greeting The Mosque (Tahiyyah)
The Prayer Of The Forenoon (Duha) And Night Vigil Prayers.

سن تحية المسجد بركعتين قبل الجلوس

It is sunna to greet the mosque with two rak'ahs of prayer before sitting. The Prophet ((God bless him and grant him peace)) said [If a person enters the mosque, he is to not to sit until he offers two rak'ahs].[7] Note: Ibn Abidin in his Hashia says: "Our scholars dislike its performance in the times disliked for prayer, such as after *fajr* and *'asr*. Therefore, if one enters after *fajr* or *'asr*, he is not to offer

[1] Muslim 738.
[2] Muslim 719.
[3] Bukhari 990.
[4] As-Sajda 16.
[5] Ibn Majah 1421.
[6] Maraky al-Falah 250.
[7] Bukhari and Muslim.

the greeting prayer [*tahiyya*]; rather one is to offer *tasbih*, *tahlil* and send blessing upon the Prophet in order to fulfil its rights."[1]

وأداء الفرض ينوب عنها

Performing the obligatory prayer is a substitute for the greeting prayer [*tahiyyah*]. Ibn Abidin states: "The reality is that what is required from the one entering the masjid is the performance of prayer in it – so that the prayer is a greeting to the Lord. The most evident view is that one's entry into the masjid with the intention to offer the obligatory prayer as imam, or to pray alone or as a follower (all) serve as a substitute for the *tahiyya* – provided one prays upon entry into the masjid. If one's entry into the masjid is for the obligatory prayer, though the prayer has time before commencing, one is required to offer the greeting prayer [*tahiyya*] prior to sitting. Likewise, if one enters the masjid for something other than prayer, such as a lesson, or remembrance of God, then the *tahiyya* is required prior to sitting."[2]

Shurunbulali states in Maraky al-Falah: According to the Hanafi Madhhab, the *tahiyyah* is not excused even if one sits before praying, though it is recommended prior to sitting. And if a person repeats his entry of the masjid, then two rak'ahs suffice for the day.[3]

وكل صلاة أداها عند الدخول بلا نية التحية

Likewise, performing any prayer upon entering the mosque serves as a substitute for the greeting prayer even if one does not intend the greeting prayer.

وندب ركعتان بعد الوضوء قبل جفافه

It is recommended for one to pray two rak'ahs after ablution before the water on the body dries. The Prophet ((God bless him and grant him peace)) said [There is no Muslim, who performs ablution perfectly and then offers two rak'ahs receiving them with his heart and mind, but that Paradise would be obligatory for him].[4]

وأربع فصاعدا في الضحى

Equally, it is recommended to pray four *rak'ahs* or more for the midmorning prayer [*duha*]. Its time is when the sun completely rises to the period before its zenith. A'ishah ((God be pleased with her)) reported that the Prophet ((God bless him and give him peace)) would observe the midmorning prayer as four rak'ahs and would increase as he pleased.[5]

وندب صلاة الليل وصلاة الاستخارة وصلاة الحاجة

It is recommended to offer the night vigil prayers, the guidance prayer, and the prayer of need. Regarding *the night vigil prayer*, it is preferable to offer this prayer in

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[1] Radd al-Muhtar vol. 1/458 | Maraky al-Falah 231.
[2] Radd al-Muhtar vol. 2/458.
[3] Maraky al-Falah 231.
[4] Muslim 234.
[5] Muslim 719.

the last third of the night. And the minimum recommended number to pray is eight rak'ahs. However, the saying that this prayer is recommended is the legal status of night prayer, wherein reality, it is an emphasized sunna in the sense that the Prophet never failed to perform them except on a rare occasion. As for *the guidance prayer* [*istikhara*], Jabir relates that [The Prophet ((God bless him and give him peace)) used to teach us the guidance prayer for all matters, as he would a surah of the Quran]. Lexically, Istikhara means; the request of that which is good. A person performs the prayer when he has resolved to undertake an act, during which he asks Allah to guide him in relation to the thing requested to that which is good and beneficial for him in his religion, life, and hereafter. The guidance prayer therefore pertains to future matters. And concerning *the prayer of need*, Abdullah Ibn Abi 'Aufa al-Aslami ((God be pleased with him)) is reported to have said, "Allah's Messenger came out to us and then said, 'If anyone's need rests with Allah or with any of His creatures, he should perform ablution and pray two rak'ahs.'"[1] The prayer of need is undertaken due to a matter which has befallen a person and he therefore asks Allah to repel that which he dislikes, or he asks Allah to provide him with what he seeks.

وندب إحياء ليالي العشر الأخير من رمضان وإحياء ليلتي العيدين

It is recommended to stay up in worship in the last ten nights of Ramadan and the two nights of Eid, as the hadith mentions [Whomever passes the night of Eid, Allah will preserve his heart on a day when his heart will die].[2]

وليالي عشر ذي الحجة

It is recommended to stay up in worship in the first ten nights of the month of Dhu al-Hijjah, as the Prophet ((God bless him and give him peace)) said "No day, of the days of the world is best in the sight of Allah, on which He is worshipped than (the worship) of the ten days. And the fast of one day during these days is equivalent in reward to the fasts of a year and (the worship) of these nights is equivalent to the night of qadr."[3]

وليلة النصف من شعبان

In the middle of the month of Sha'ban, it is recommended to spend the night in worship because it expiates the sins of the whole year. The night of Friday expiates the sins of the week, and the night of qadr expiates the sins of one's life.[4] Ali Ibn Abi Talib ((God be pleased with him)) reported that Allah's Messenger (God bless him and give him peace) said [If the night of the middle of Sha'ban arrives, you should offer prayer during the night and fast during the day].[5]

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[1] Ibn Majah 1384.

[2] Haythami 2/198.

[3] Ibn Majah 1728.

[4] Maraky al-Falah 235.

[5] Ibn Majah 1388.

ويكره الاجتماع على إحياء ليلة من هذه الليالي في المساجد

However, it is disliked to gather in the mosques to spend these nights in worship, for neither the Prophet ((God bless him and give him peace)) nor the Companions observed them in the mosques. In fact, the majority of the scholars from the Hijaz, such as *'Ata* and the fuqaha of Madina including the companions of Imam Malik stated that performing any of these nights in a group is an innovation.

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في صلاة النفل جالسا والصلاة على الدابة

Voluntary Prayer While Sitting And Prayer Upon a Beast (Or Means Of Transport)

القعود في النفل مع القدرة على القيام

Sitting For The Voluntary Prayer With The Ability To Stand

يجوز النفل قاعدا مع القدرة على القيام لكن له نصف أجر القائم إلا من عذر، ويقعد كالمتشهد في المختار

Voluntary prayer is permitted sitting even if one has the ability to stand, although one receives only half the reward of the one standing unless there is a reason for sitting, in which case one acquires full merit. **And during the prayer, one is to sit like a person in tashahhud** if he has no reason to pray seated, **and this is preferred view on the matter.** However, Abu Hanifa held that one may sit as he wishes because when a person is permitted to leave the original posture of standing, then to leave the normal manner of sitting is better. If however, one possesses a reason for sitting, then he may adopt the posture he is comfortable with. Regarding the first point, the Prophet ((God bless him and give him peace)) said [The prayer in a standing condition is better than prayer in a sitting condition, and the prayer in a sitting posture is half the prayer of one who offers it in a standing posture].[1]

وجاز إتمامه قاعدا بعد افتتاحه قائما بلا كراهة على الأصح

It is permissible to complete a voluntary prayer sitting after starting it standing according to Abu Hanifa. **This is the most correct view** on the basis that standing is not a pillar in voluntary prayer and one is therefore permitted to leave it. However, this is contrary to the two jurists.[2]

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[1] Abu Dawud 951.

[2] Maraky al-Falah 237.

الصلاة النفل على الدابة

<u>*Voluntary Prayer Upon A Beast (Or Means Of Transport)*</u>

ويتنفل راكبا خارج المصر موميا إلى أي جهة توجهت دابته

A person outside the city is permitted to offer voluntary prayer whilst riding on the back of a beast, and he is to pray through indication toward any direction the beast turns. Ibn Umar (God be pleased with him) said [I saw the Messenger of Allah ((God bless him and give him peace)) praying on the back of a donkey when he was facing Khaybar, and he was praying through indication].[1] Note: this rule applies when one has passed the buildings of his area of residence. It is the place that if a traveller reaches, he is permitted to shorten his prayers.[2] It is not a condition that one be a traveller according to the Hanafi view, though he must pass this area. According to Shafi'i and Malik, it is not permitted unless one be a traveller. Abu Yusuf holds that voluntary prayer upon a beast is permissible within one's area and that it is not a condition to exit the area of residence.

وبنى بنزوله لا ركوبه

If one begins a voluntary prayer upon the back of a beast and then dismounts, he is to continue the prayer; though if one begins on the ground, he cannot continue the prayer if he mounts the beast. The reason being that when one commences the prayer on the ground he has necessitated all the conditions, though when he mounts the beast, some conditions are omitted such as facing the qibla, being in the same place and the reality of bowing and prostration.

((وجاز الإيماء على الدبة)) ولو كان بالنوافل الراتبة ((المؤكدة وغيرها حتى سنة الفجر)) وعن أبي حنيفة رحمه الله

تعالى أنه ينزل لسنة الفجر لأنها آكد من غيرها

Prayer through nodding on the back of a beast is permitted for the emphasised *sunan* as well as other *sunan* even if it is the sunna of the dawn *(fajr)*, though Abu Hanifa held that one must dismount the beast for the sunna of the dawn prayer as it is more emphasized than other *sunan*.

وجازا للمتطوع الاتكاء على شيء إن تعب بلا كراهة ، وإن كان بغير عذر كره في الأظهر لإساءة الأدب

It is permissible for one offering voluntary prayer to lean on something such as a stick or wall if he becomes tired and there is no dislike on the basis of having a reason. **If however, there is no reason, then it is disliked according to the correct view, for it is considered as bad manners.**

ولا يمنع صحة الصلاة على الدابة نجاسة عليها ولو كانت في السرج والركابين على الأصح

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[1] Muslim, Abu Dawud, and an-Nasai, vol, 2/151.

[2] Maraky al-Falah 237.

Filth upon a beast does not prevent the prayer from being valid,[1] **even if the filth is on the saddle or stirrups, and this is the most correct view.** This rule is adopted by the majority of the Hanafi scholars based on necessity.

ولا تصح صلاة الماشي بالإجماع

Prayer is not permitted walking and this has the agreement of consensus. The reason it is not permissible is because one is continuously changing places.

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في الصلاة الفرض والواجب على الدابة

Obligatory And Wajib Prayers Upon A Beast

لا يصح على الدابة صلاة الفرائض ولا الواجبات كالوتر، والمنذور، وما شرع فيه نفلا فأفسده، ولا صلاة الجنازة

، وسجدة تليت آيتها على الأرض

Obligatory and wajib prayers are *not* permitted on a beast and neither is the funeral prayer. Examples of necessary prayers include, i) the witr, ii) the prayer that one promises to perform (nidhr) and iii) voluntary prayer that was ruined, for verily if a person spoils a voluntary prayer it becomes necessary to make up and this cannot be offered upon a beast or in a vehicle. **Likewise, the prostration of recital is not permitted upon a beast if its verse was recited on the ground.**

إلا لضرورة كخوف لص على نفسه أو دابته أو ثيابه لو نزل، وخوف سبع وطين المكان

However, in all the above cases, it is permissible upon the beast when there is a necessity such as one who fears for himself, his beast or clothes from a thief (who may steal from him) **if he dismounts.** In this case, it is permitted on the back of a beast. Allah says [If you fear an enemy, pray on foot or riding (as may be most convenient)].[2] **Other valid reasons include fear from a predatory animal, or the ground is excessively muddy** in which if one prostrates, his face will disappear. And if it happens that one has no beast and the ground is excessively muddy, one is permitted to pray standing nodding with his head.[3]

وجموح الدابة وعدم وجدان من يركبه لعجزه

Equally, if the beast will become uncontrollable by the rider dismounting from it **or there is no helper present to assist him to remount the beast due to his inability** to mount by himself, then both obligatory and necessary prayers are permitted riding on a beast.

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[1] This ruling does not change even when the filth exceeds the area of a dirham. The area of a dirham is the internal part of the palm. (Maraky al-Falah 238).

[2] Al-Baqarah 239.

[3] Maraky al-Falah 239.

الصلاة في المحمل

Prayer In A Carriage (Howdah)[1]

والصلاة في المحمل على الدابة كالصلاة عليها سواء كانت سائرة أو واقفة

Prayer in a carriage, which is fixed upon a beast, is regarded like prayer on its back, and it is the same whether the beast is moving or still.

ولو جعل تحت المحمل خشبة حتى بقي قراره إلى الأرض كان بمنزلة الأرض، فتصح الفريضة فيه قائما

If one stops the beast and places logs underneath the carriage so that the base of the carriage is leaning on the ground using the logs as pillars, the carriage is regarded as having the same status as the ground, and in this situation, it is correct to perform the obligatory prayer *standing* in the carriage, not sitting.

فصل في الصلاة في السفينة

Ritual Prayer On A Ship (Boat)

صلاة الفرض فيها وهي جارية قاعدا بلا عذر صحيحة عند أبي حنيفة بالركوع والسجود

Offering obligatory prayer on a moving ship in a sitting posture without having a reason to sit, is valid according to Abu Hanifa[2] and one is to offer the prayer through bowing and prostration while sitting. One cannot pray through nodding. The reason this is permissible according to Abu Hanifa is because to stand while in a ship usually entails dizziness. However, the best thing is either to stand and pray or exit the ship if one is able because this will distance one from any disagreement.[3]

وقالا: لا تصح إلا من عذر، وهو الأظهر والعذر كدوران الرأس وعدم القدرة على الخروج

However, Imams Abu Yusuf and Muhammad held that one is not permitted to sit unless he has a reason to do so, and this is the most evident opinion; and a valid reason may include dizziness or being unable to exit the ship. Therefore, according to the jurists Abu Yusuf and Muhammad, one is to pray standing in the ship unless there is a reason, in which case he may offer it sitting. The proof they used are the words of the Prophet [Pray standing (in a ship) except if you fear drowning].[4]

ولا تجوز فيها بإيماء اتفاقا

One is not permitted to offer prayer in the ship through indication (nodding) if he is able to bow and prostrate, **and this is agreed upon.**

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1 A howdah is a carriage that is positioned on the back of camels or elephants for travellers to journey in.

2 Even if one is able to exit the ship onto land, the prayer is correct. However, if one is able to exit the ship, it is better in order to avoid the varying views of scholars and be content at heart [Maraky al-Falah 240].

3 Maraky al-Falah 240.

4 Al-Hakim 1/409 and al-Baihaqi 3/155.

والمربوطة في لجة البحر وتحركها الريح شديدا كالسائرة ، وإلا فكالواقفة على الأصح

If a ship at sea is tied down with an anchor, but is being swayed by a strong wind, then it is regarded as a moving ship, which means that one may pray sitting according to Abu Hanifa because it is regarded as a moving ship. Though according to Abu Yusuf and Muhammad, he is to stand if he does not possess a valid reason. **Although, if the ship is not being swayed, then it deemed as a still ship at shore and this is the most correct view.** The ruling of a still ship tied at shore is given next.

وإن كانت مربوطة بالشط لا تجوز صلاته قاعدا بالإجماع. فإن صلى قائما وكان شيء من السفينة على قرار الأرض

صحت الصلاة ، وإلا فلا تصح على المختار إلا إذا لم يمكنه الخروج

If the ship is tied at shore, prayer is *not* permitted sitting if one has the ability to stand according to the majority. And if one prays standing, and there is part of the ship on the bottom of the ground, then the prayer is valid. If not, then prayer is not permitted in it according to the preferred view on the matter unless it is not possible to exit the ship, in which case, one may offer the prayer based on the necessity. Though it is apparent in other Hanafi books, namely al-Hidaya and al-Nihaya that prayer is permitted standing in a vessel which is tied at shore regardless of whether it is touching the ground or not.[1] *Hence, if a ship is tied at shore, one is to exit if he can. If he cannot, then he is permitted to pray onboard whilst standing. If he can exit but opts to pray on board the ship, then his prayer is correct if he prayed standing with part of the ship touching the ground. If no part of the ship is touching the ground, then his prayer is not valid since he is able to exit the ship. This last point is identical to a person who places a carriage upon a beast and then halts the beast and places logs underneath the base of the carriage so that it has the same legal status as that of the ground. The person then prays standing in the carriage because technically, the carriage is like that of the ground because of the pillars that support it. Likewise, if part of the ship tied at shore touches the ground, one may pray standing even though he is able to exit, because the ship or boat has the same status as that of the ground. If no part is touching, then the prayer is invalid since he can exit and pray on land.*

In summary, a moving ship allows a person to pray in it standing according to the two jurists, but sitting according to Abu Hanifa (even without a reason). And if the ship is anchored at sea and is being swayed, it is regarded as a moving ship and is therefore subject to the same disagreement.

If the ship is anchored at sea, though is not being swayed, then it is regarded as a still ship at shore. A few rules are derived concerning a still ship at shore; if one offers prayer standing with part of the ship on the ground, his prayer is valid. If not, (i.e. there is no part touching the ground) then his prayer is invalid unless he is unable to exit the ship, in which case he may offer the prayer standing. Additionally if a ship is anchored at sea and is still, one obviously cannot exit the ship and is therefore allowed to offer the prayer based on the necessity. And Allah knows best.

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[1] Maraky al-Falah 421.

ويتوجه المصلي فيها إلى القبلة عند افتتاح الصلاة وكلما استدارت عنها يتوجه إليها في خلال الصلاة حتى

يتمها مستقبلا

If the ship is sailing, one is to direct himself towards the qibla at the commencement of prayer, and every time the ship veers from the qibla, one is to re-direct himself towards it throughout the entire prayer so that he completes it while facing qibla.

في التراويح

Tarawih[1]

التراويح سنة للرجال والنساء

The tarawih is sunna for both male and female. Abu Hanifa held it as an emphasized sunna. The Prophet ((God bless him and grant him peace)) said [Upon you is my sunna and the sunna of the rightly guided Caliphs after me];[2] and verily Umar, Uthman and Ali ((God be pleased with them all)) were diligent with respect to the tarawih prayers.

وصلاتها بالجماعة سنة كفاية

To pray the tarawih in a group is a communal sunna (*kifaya)*, i.e. it is a collective sunna because it has been established that the Prophet ((God bless him and grant him peace)) offered it in a group as eleven rak'ahs consisting of the witr.[3] Though he later discontinued to perform the tarawih in a group for fear of it becoming compulsory.

وقتها بعد صلاة العشاء ويصح تقديم الوتر على التراويح ، وتأخيره عنها

Its time is after the *'isha* prayer until the arrival of dawn. And it is valid to offer the witr before or after the tarawih, though it is best to delay it until after the tarawih.

ويستحب تأخير التراويح إلى ثلث الليل أو نصفه ولا يكره تأخيرها إلى ما بعده على الصحيح.

It is recommended to delay the tarawih prayers to shortly before one third of the night has passed or just prior to half of it, though scholars recommend tarawih to be offered before half the night has passed. Other scholars maintain that there is *no* dislike in delaying tarawih to after half the night and this is the soundest view because the best night prayers are at the end of the night; however, even though it

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[1] Tarawih is the plural of tarwiha. Lexically, tarwiha is the name given to the *one time of rest*. It also implies *sitting* because this is a rest for the body. In its juristic sense, it is considered as the rest one has after four rak'ahs. It was called such, because the sitting after the prayer is rest. [Maraky al-Falah 242].

[2] Abu Dawud, Tirmidhi.

[3] Ibn Khuzayma 2/138. (Maraky al-Falah 243).

is not disliked, it is better not to delay tarawih until such time for fear of missing the prayers with the entry of dawn.

وهي عشرون ركعة بعشر تسليمات

Tarawih is twenty rak'ahs consisting of ten (pairs) of finishing salams according to the consensus of the Companions; that is, each pair is finalised with finishing salams.

ويستحب الجلوس بعد كل أربعة بقدرها

After completing four rak'ahs of tarawih, it is recommended to sit and rest for as much time as was required for the performance of four rak'ahs.

وكذا بين الترويح الخامسة والوتر

This is also the case between the last tarawih prayer and the witr, in that it is recommended to sit and rest for an amount of time equivalent to two pairs and this is what Abu Hanifa held. And during this rest, one may utter invocations or recite Quran.

وسن ختم القرآن فيها مرة في الشهر على الصحيح ، وإن مل به القوم قرأ بقدر ما لا يؤدي إلى تنفيرهم ، في المختار

It is sunna to recite the whole Quran in the tarawih prayers once in the month of Ramadan, and this is the soundest view. It is been said of Abu Hanifa - that he completed the Quran sixty one times in Ramadan. In the day he would complete it once, and in every tarawih prayer he recited the Quran once, thereafter he offered the dawn prayer with the wudu of 'isha prayer for forty years. **If the people dislike or become weary** from the effort of reciting the Quran once in the month, **then the imam is to recite the amount which does not deter the people from the prayer and this is the opted view,** because it is better not to make people loathe the group prayer which then causes them to neglect its attendance. It states in the books *al-Ikhtiyar* and *al-Muhit*, that the best thing in our time is not to make people dislike the group prayer, for the larger numbers are greater than lengthy recitation. The legal ruling [*fatwa*] issued is in conformity with this.

ولا يترك الصلاة على سيدنا النبي صلى الله عليه وسلم في كل تشهد منها ولو مل القوم ، على المختار

However, the *ibrahimiya* in every tashahhud of the tarawih prayer must not be neglected even if the people dislike this, because it is an established sunna to recite the ibrahimiya according to the Hanifa school and obligatory according to Imam Shafi'i. **And this is the chosen view on the matter.**

ولا يترك الثناء وتسبيح الركوع والسجود

Likewise, one is not to abandon the opening glorification at the beginning of each tarawih prayer, and neither the *tasbih* in bowing and prostration, for some schools of thought hold these actions as obligatory whilst in the Hanifa school, they are an emphasized sunna. Thus, one must not abandon them even if the people dislike this for it is deemed idleness on their part.

ولا يأتي بالدعاء إن مل القوم

However, if the people become weary, the imam may abandon the supplication just before the finishing salams prior to the end of each prayer.

ولا تقضى التراويح بفواتها منفردا ولا بجماعة

If a person fails to offer the tarawih by himself or in a group (in its appointed time), it cannot be made up later because tarawih is the sunna of a specific time, it is not like a sunna of fasting. If a person makes up tarawih, it is regarded for him as voluntary prayer, not tarawih.

باب الصلاة في الكعبة

Prayer In The Ka'bah

صَح فرضٌ ونفلٌ فيها

Obligatory and voluntary prayers are permissible within the ka'bah. Allah said [...that they should sanctify My house for those who compass it round, or use it as a retreat, or bow, or prostrate themselves {therein in prayer}].[1]

وكذا فوقها وإن لم يتخذ سترة ، لكنه مكروه لإساءة الأدب باستعلائه عليها

Likewise, they (obligatory and voluntary prayers) are permitted on top of the ka'bah even if one does not place a barrier for himself, although it is disliked to **do so, because it is an offensive etiquette to get on top of the ka'bah.**

ومن جعل ظهره إلى غير وجه إمامه فيها أو فوقها صح وإن جعل ظهره إلى وجه إمامه لا يصح

When performing ritual prayer in congregation *inside* the ka'bah or above it, **if a follower turns his back to any direction other than the face of his imam, then his following is deemed valid. If however, the follower turns his back towards the face of the imam, then his prayer is nullified** for the reason that the follower will be in front of the imam in the same direction in which the imam is praying. See the outlay below.

[Maraky al-Falah 246]

*Follower's face - imam's back
*Follower's face - imam's side
*Follower's back - imam's side
*Follower's back - imam's back
*Follower's side - imam's face
*Follower's side - imam's side, though the follower is facing the other way
*Follower's face - imam's face

All are valid, even though one is facing a different direction to the imam. Note: it is disliked if one faces the imam head on and yet there is no screen between them.

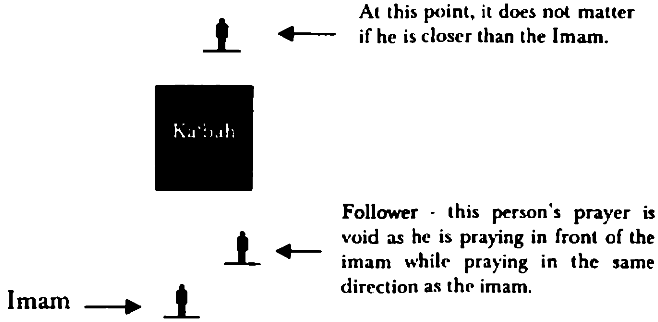
وصح الاقتداء خارجها بإمام فيها والباب مفتوح

One's following of the imam is valid if the imam prays inside the ka'bah with the door open while the followers pray outside. Note: It is not a condition for the door to be open, but it is a condition for the follower to know about the changing actions of the imam. If one can hear the imam while the door is closed, then the following is valid.

وإن تحلقوا حولها والإمام خارجها صح ، إلا لمن كان أقرب إليها في جهة إمامه

If many followers including the imam offer prayer around the ka'bah in a circular manner, then all their prayers **are valid, except for the one who advances in front of the imam in the same side the imam is praying.** If however, there is a follower on the other side of the ka'bah and he is closer to the ka'bah than the imam, it is valid because he is not praying in the same direction of the imam. See diagram four below.

Diagram four



باب صلاة المسافر

Prayer Of The Traveller

A traveller in Islam receives dispensations and allowances that a resident (non-traveller) does not. Such dispensations include: the traveller wiping his footgear for seventy-two hours whilst the resident may only wipe for twenty-four hours. It is permitted for the traveller to break his fast during Ramadan even though he is of sound health. Additionally, it is not necessary for the traveller to attend Friday prayer or Eid prayers, whilst it is obligatory for the resident. Imam Shafi'i held that the traveller is permitted to unite the *dhuhr* and *'asr* together at the time of *dhuhr* or at the time of *'asr*. Equally, one may unite the *maghrib* with the *'isha* at the time of *maghrib* or *'isha*.

السفر التي تتغير به الأحكام

The Travel Due To Which The Rules Change

أقل سفر تتغير به الأحكام مسيرة ثلاثة أيام من أقصر أيام السنة ، بسير وسط مع الاستراحات والوسط : سير الإبل ومشي الأقدام في البر، وفي الجبل بما يناسبه (لأنه يكون صعودا، وهبوطا، ومضيقا، فيكون مشي الإبل، والأقدام فيه دون سيرهما في السهل) وفي البحر اعتدال الريح

The smallest journey due to which the legal rules are changed[1] is the distance of three days travel from the shortest days of the year, at an average pace and having rest periods along the way.[2] An average pace is regarded as the walking pace of a camel or walking pace of humans on land. With respect to a mountain range, the pace considered is that which is appropriate to its conditions, that being the pace of a walking camel or walking on foot. **If one is at sea, the wind at an average pace is the factor considered.** Note: This rule law has been calculated by scholars in terms of kilometres, in that if a person travels the distance of 81km one-way by whatever means of transport it may be, then he is regarded as a traveller.[3]

فيقصر الفرض الرباعي من نوى السفر، ولو كان عاصيا بسفره ، إذا جاوز بيوت مقامه وجاوز أيضا ما اتصل به من فِنائه ، وإن انفصل الفِناء بمزرعة أو قدرغلوة لا يشترط مجاوزته.

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[1] Such as the shortening of prayer, the permissibility of not fasting during Ramadan and the wiping of the footgear for seventy two hours etc...

[2] The travel of three days does not mean the travel of every minute of the day for three days. Rather, the night is the time of rest and the day is the time for travel. For example: if on the first day, a person intending travel sets off on the journey early and travels only *until midday*, and then reaches a rest area where he camps overnight. Then on the second day, he sets off early and travels until *a little after midday*, and then on the third day sets off early *until midday*, then he is deemed a traveller. (Maraky al-Falah). If however, one covers this distance in a short period of time, then it holds the same ruling.

[3] Maraky al-Falah 248 pt-5.

قصر الصلاة

The Shorting Of Prayer

The traveller is permitted to shorten the four rak'ah obligatory prayers even if his intention for travel is to disobey Allah, such as theft. This is according to the Hanafi School while Imam Shafi'i and Imam Malik held that one intending evil in his travel receives no dispensations. **The shortening of prayers is permitted when one passes the buildings of his *area of residence* as well as passing the townyard [*fina*][1] that is connected to the buildings of his area. Though if there is farmland or an open space *(around four hundred paces long)* which is connected to the townyard, then it is not a condition for one to pass this.** Therefore, once a person passes the buildings of his area including the townyard that is connected to the buildings of his area, he may shorten prayer even if he has not yet travelled 81km. One does not have to go beyond the farms or orchards that may be connected to the townyard. *Note: nowadays, when a person passes the buildings of his area and then reaches the parks or cemetery (fina'), this may be connected to another town or village. In this case, (i.e. if the fina', such as the parks/cemetery is connected with another village), it is not conditional for one to pass the next town before shortening his prayers; rather one must only pass the fina' concerned with his town.*[2]

والفِناء : المكان المعد لصالح البلد كركض الدواب ودفن الموتى

The townyard [*fina*] is an area regarded as a place of benefit for the town or village, such as for the running of animals like a stable or a place of burial.

شروط صحت نية السفر

Conditions That Validate The Intention Of Travel

ويشترط لصحة نية السفر ثلاثة أشياء

Three conditions validate the intention of travel

الاستقلال بالحكم ، والبلوغ ، وعدم نقصان مدة السفر عن ثلاثة أيام

1- **One must be independent (self-governing)** with respect to making the judgement for himself. For example; a soldier with his commander is not independent and neither is a wife with her husband. The basis for this is that the soldier or wife cannot form a proper intention because of the uncertainty of the travel, such as - will they travel the required distance or will they turn back half way, etc. Therefore, one cannot be joined to someone else where he cannot make the determination for himself. In this case, one is not independent.

2- **Maturity** is conditional.

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[1] The *fina'* (townyard) is a place that benefits the community of the town, such as a cemetery, park, or stable. Therefore, if one should pass the buildings of his town as well as the cemetery connected to this for example, then he is permitted to begin shortening his prayers even if he has not yet travelled 81km.

[2] Maraky al-Falah 250.

3- **One cannot travel less than three days**; that is, less than 81km one-way, it must be at least 81km.

فلا يقصر من لم يجاوز عمران مقامه

A person cannot shorten his prayers if he has not passed the buildings of his area of residence. Note: Maraky al-Falah states that one is not deemed a traveller when he resolves to do so and neither when the time of travel arrives or when he mounts his beast (or sits in his vehicle) yet all the while he remains in his town; and Allah knows best. The shortening of prayer begins when one passes the townyard [*fina*] or the buildings of his area of residence. This is due to the saying of Allah [When you are travelling in the land, there is nothing wrong in your shortening the prayer].[1] Verily, in this verse, the shortening of the prayers is conditional upon travel and one is not travelling until he passes the buildings of where he lives. There is a narration from Anas in which he said: "I offered four rak'ahs of dhuhr prayer with the Prophet at Madina and two rak'ahs at Dhul Hulayfa (shortening the *'asr* prayers)."[2] Thus, the Prophet ((God bless him and give him peace)) did not shorten prayer until he exited from Madina.[3]

أو جاوز (العمران ناويا) وكان صبيا أو تابعا لم ينو متبوعة السفر، كالمرأة مع زوجها والعبد مع مولاه والجندي مع أميره، أو ناويا دون الثلاثة

And if the buildings have been passed with the intention of travel, **prayer cannot be shortened if the passer is: i) a boy or ii) a dependant person whom is joined to his leader who has not made the intention of travel, such as a wife with her husband,[4] or a slave with his master or a soldier with his commander.** In such cases, prayer cannot be shortened. **Likewise if one intends to travel a distance of less than three days journey**, which is less than 81km, they are not permitted to shorten prayer, because according to the law, a distance which is less than 81km is not regarded as travel.

وتعتبر نية الإقامة والسفر من الأصل دون التبع (إلا) إن علم نية المتبوع في الأصح

The intention of travelling and residing is taken from the primary source which is the person who is followed, such as the leader, husband, master, commander etc. and not the follower, such as a wife, slave or soldier, **unless the follower actually knows the intention of the one they are following**, in which case one may intend for themselves, **and this is the soundest view.** Note: The journey's destination must be known. If a wife travelling with her husband or a soldier with his leader does not know the destination (or intention), they cannot shorten their prayers because they do not know if they will travel the required distance of 81km. If they know the intentions and destination and the journey meets the conditions, they may shorten prayer.

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[1] Quran 3:101.

[2] Bukhari 1089.

[3] Maraky al-Falah 250.

[4] That is, the husband did not make an intention to travel, so the wife cannot intend travel as she is dependent on him.

حكم القصر

The Ruling Of Shortening

والقصر عزيمة عندنا

The shortening of prayers according to the Hanafi Madhhab is regarded as prayer in its original state as it was when it was first introduced for the traveller. Verily, when the prayer of the traveller was revealed from the beginning, it was two rak'ahs, not four as in the case of the dhuhr prayer for the resident. It is for this reason that the prayer of the traveller in the Hanafi Madhhab is not an allowance [*rukhsa*], it is an *'azimah*. The term *'azimah* is used in the Arabic text above, and is intended to read as – *the prayer of the traveller is an 'azimah*. The word *'azimah* literally means a firm resolve. According to the Sacred law, it is regarded as a matter that was sanctioned (and made law) from the beginning without it being connected to any variance. On this basis, the Hanafi School deems it wajib for a traveller to shorten his prayers. Imam Shafi'i and Imam Ahmad held that the shortening of prayer is a dispensation, therefore, if one wishes he may shorten prayer and if one wishes he may pray the full number. Imam Malik held that the shortening of prayer is a sunna and not wajib.[1]

فإذا أتم الرباعية وقعد القعود الأول صحت صلاته مع الكراهة ، وإلا فلا تصح ، إلا إذا نوى الإقامة لما قام للثالثة

As previously mentioned, it is *wajib* for a traveller to shorten his four rak'ah prayers to two rak'ahs, though **if a traveller completes four rak'ahs and sat the first sitting, the prayer is valid, though is disliked** because the finishing salams have been delayed.[2] In this case, the last two rak'ahs are deemed as voluntary prayer for him. **If however, he does *not* sit for the first sitting after two rak'ahs and continues the prayer as four rak'ahs, then the prayer is not valid, unless he intended to be a resident when standing for the third rak'ah, in which case the prayer is valid**, even if he did not perform the first sitting, because in this case, it is obligatory to pray four rak'ahs, and the prayer of a resident who misses the first sitting in a four rak'ah prayer does not invalidate the prayer. *In summary, if the traveller prayed four rak'ahs without offering the first sitting, his prayer is void, unless he intends residence when standing for the third rak'ah.*

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[1] Rawai'ul Bayan, 484.

[2] The reason the finishing salams have been delayed is because one is required to pray two rak'ahs, not four; and because one delayed his finish by praying four, it is disliked though is valid if one offers the first sitting.

مدة القصر

The Period Of Shortening Prayers

ولا يزال يقصر حتى يدخل مصره ، أو ينوي إقامته نصف شهر ببلد أو قرية ، وقصر إن نوى أقل منه أو لم ينو وبقي سنين

The *traveller* is to continue shortening his prayers until he re-enters his hometown or until he makes an intention of staying at another town or village for fifteen days.[1] If one intends to remain for *less than fifteen days*, or does not intend his length of stay, and remained for years, then he may shorten his prayers in both cases for that duration or until he intends. The reason being, that one has not fixed the intention, so he does not know exactly when he will depart. 'Alqamah Ibn Kays remained in such a state where he shortened his prayer for years.[2] Additionally, Ibn Umar ((God be pleased with him)) stayed on in *Adharbijan* for six months and continued to curtail his prayers.[3]

متى لا تصح نية الإقامة

When Is An Intention Of Residing Not Valid

ولا تصح نية الإقامة ببلدتين لم يعين المبيت بإحداهما

The intention of residing is not valid in two towns where a person has not specified only one as a place of residence. For example: one intends he will stay at Makkah and Madina for 20 days, but does not specify his residence at one of the locations. In this case, one is required to remain shortening his prayers even though he has intended twenty days, because he has not specified only one town where he will reside. The reason is that the intention at two locations implies that he will be at different locations and this prevents the rule of residence from operating. The exception is when he intends to spend the night at one of the two places, in which case he will be become a resident the moment he enters the location.[4]

ولا في مفازة لغير أهل الأخبية

Intending the desert as a place of residence is not valid, except for those people who live in tents as their homes.

ولا لعسكرنا بدار الحرب

[1] For example: a person who has departed Australia for England for seventeen days is legally regarded as a traveller and is therefore permitted to shorten his prayers on the way to England. However, he must discontinue shortening his prayers when he arrives at his destination in England because he has intended a stay of fifteen days or more. *If he intends to stay for less than fifteen days, then he is to shorten his prayers for this duration.* Likewise, upon returning to Australia, this person is to shorten his prayers on the way, and discontinue upon reaching his hometown.

[2] Abi Shaybah 2/208, al-Zayla'i 3/185.

[3] Abd al-Razzaq and al-Baihaqi. Al-Zayla'i, vol. 2/185; al-Ayni, vol. 3/20.

[4] Al-Hidayah 207 / Maraky al-Falah 252.

An intention of residing is not valid for soldiers who are fighting on enemy land for the reason that there is hesitation in their intention as to when they will leave and how long they will stay. Thus, in this situation – prayers must continue to be shortened because the intention of residing is not valid in such a state.

ولا بدارنا في محاصرة أهل البغي

In addition, an intention of residing is not valid for soldiers who lay siege to a city or town against disobedient Muslims in our land, because again there is hesitation between staying and departure in which the intention is not specified. The Prophet ((God bless him and give him peace)) stayed at Tabuk for twenty days, shortening the prayers (during his stay).[1]

اقتداء المسافر بمقيم وعكسه

A Traveller Praying Behind A Resident And Vice Versa

وإن اقتدى مسافر بمقيم في الوقت صح وأتمها أربعا

If a traveller offers prayer in its time behind a resident imam in the congregational prayer, then the prayer is valid and the traveller is to complete the prayer as four rak'ahs with the imam.

وبعده لا يصح ، وبعكسه صح فيهما

If however, the congregational prayer is not being offered in its time (that is, its time has expired) **the traveller is not permitted to pray behind a resident imam, though the traveller can be the imam for the residents in this case,[2] and can also be the imam if the prayer is offered in its time.** The Prophet ((God bless him and give him peace)) performed prayer with the people of Makkah while he was a traveller saying [Complete your prayer, for we are in travel].[3] Therefore, the traveller can be a follower behind a resident imam if the prayer is offered in its time, though not if its time has expired. And it is valid if the traveller is the imam in both cases.

وندب للإمام (بعد التسليمتين) أن يقول : أتموا صلاتكم فإني مسافر، وينبغي أن يقول ذلك قبل شروعه في الصلاة

، ولا يقرأ المقيم فيما يتمه بعد فراغ إمامه المسافر في الأصح

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[1] Abu Dawud 1231.

[2] For example; the time of the dhuhr prayer has passed, and the resident imam and others have missed it from its time. They therefore gather together to pray it as a group. In this case, the traveller is not permitted to pray behind this imam who is a resident, though the traveller himself can be the imam. And even if the resident imam said the opening Allahu akbar right before the time of the prayer had expired, the traveller is still not permitted to pray behind them because the time is not sufficient. [Maraky al-Falah 253]

[3] Abu Dawud | Muwattah of Imam Malik.

If the traveller is the imam, it is recommended for him, after the final salams on completion of two rak'ahs, to say, *"Complete your prayer, I am a traveller."* **However, prior to the prayer, he is required to say these words to prevent uncertainty. And after the *traveller imam* completes his prayer, the followers stand and complete their prayer without reciting Quran because the imam's recitation suffices and no** one may enter and pray behind them.

قضاء الفوائت

Making Up Missed Prayers

وفائتة السفر والحضر تقضى ركعتين ، وأربعا ، والمعتبر فيه آخر الوقت

If a traveller misses a prayer and decides to make it up when he is a resident, he is to offer it as two rak'ahs. And if a resident misses a prayer and decides to make it up when he is a traveller, he is to offer it as four rak'ahs. The factor considered here of whether to pray the full number when one is a resident or two rak'ahs when a traveller, **is the status of the person in the last timing of the prayer** *he missed; meaning, if a person is a traveller in the last part of the prayer time, and then misses the prayer, he is to offer two rak'ahs, and if one becomes a resident in the last part of its time, and then misses the prayer, he is to offer four rak'ahs.* Consider the following: Person X is a traveller who has not yet offered the dhuhr prayer and has nearly entered the time of *'asr*. Therefore, in the last part of the prayer time, he is a traveller. He then misses the prayer and returns home becoming a resident. The end result of this scenario is that he was a traveller in the last part of the prayer time and is therefore required to make it up as two rak'ahs. Hence, the status of the person in the last timing of the prayer determines whether he prays two or four. Additionally, if one is a resident in the last timing of the dhuhr prayer, misses the prayer and then decides to travel thus becoming a traveller. He is to offer the full number of rak'ahs when making up the prayer because in the last part of its time, he was a resident.

الوطن وأقسامه ومايبطل به

One's Place of Dwelling, Its Types And What Invalidates It [1]

ويبطل الوطن الأصلي بمثله فقط

A person's original permanent residence (i.e. homeland) **is no longer regarded as such when it is replaced by a new permanent residence.** If one simply departs for travel or temporarily lives in another location, then this does not nullify the status of one's permanent residence, for indeed this can only be changed with something like it. If a person goes on journey, and resides in a temporary residence,

[1] In order to enact the laws of travel, it is vital to know some of its basic definitions. It is essential to know the types of dwelling places, such as one's permanent residence (i.e. homeland) and one's temporary place of residence. There is a difference here, because the place of temporary residence is a place one travels to intending a stay of at least fifteen days or more, whereas one's permanent residence is the place one was born or married in and intends to live out his life - this is known as his permanent home.

thereafter, he returns to his permanent residence, one's status of a traveller ceases and he now has to offer the prayer in full.

ويبطل وطن الإقامة بمثله ، و بالسفر، وبالأصلي

The place of Iqama[1] ends when; i) a person locates to a similar place like it, or ii) if he merely sets out on a journey from that place of dwelling, or iii) if he returns to his permanent residence, in which case his temporary residence ceases. For example: one travels from Australia to Syria where he is studying law. This person intends his stay at a village called Barakah for about six months. This is therefore known as his temporary place of residence (*iqama*) where he is to offer prayer normally because it is *for fifteen days or more.* If at some point this person decides to move to another town, then his temporary residence at Barakah has ended because he has moved to a similar place like it. Additionally, if this person returns home to his permanent resident (i.e. Australia), then his temporary residence at Barakah is no longer regarded as such. Hence, one's iqama ends when, a) one locates to a place like it; b) returns to his hometown; and c) sets out on a journey from that place. With respect to point 'c' of setting out on a journey: this means that if one goes sight-seeing for the day and it was 81km away, then he is permitted to shorten his prayer (and his temporary residence ceases until he returns).

والوطن الأصلي هو الذي ولد فيه ، أو تزوج ، أو لم يتزوج وقصد التعيش ، لا الارتحال عنه

One's permanent residence (homeland) is the place one is born or married. And even if one did not marry there, but intended to live in as a permanent place of stay and not to emigrate from it. Thus, it t is regarded as a permanent place of stay in which one intends to live and remain in. If for example, a person born in Australia travels to the United Kingdom to study medicine and he takes up residence on campus until his course is complete; then his place of temporary residence (*iqama*) is the United Kingdom, though his permanent residence is Australia.

ووطن الإقامة موضع نوى الإقامة فيه نصف شهر فما فوقه

The place of iqama (temporary residence) **is the place one intends to reside in for half a month or more** (that is, fifteen days or more). This means, if a person travels to another country and intends to reside there for at least fifteen days, then he must offer his prayers normally.

ولم يعتبر المحققون وطن السكنى وهو ما ينوي الإقامة فيه دون نصف شهر

The place where one intends to reside for *less* than fifteen days is not regarded by scholars as a place of residence. This means that if a person goes on travel and decides to remain in a village or town for *less* than fifteen days, he is permitted to shorten prayer for that duration.

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[1] The place of *iqama* is one's temporary residence where one has intended at least fifteen days.

باب صلاة المريض

The Prayer Of A Sick Person

كيف يصلي المريض

How The Prayer Of A Sick Person Is Performed

إذا تعذر على المريض كل القيام أو تعسر بوجود ألم شديد ، أو خاف زيادة المرض أو بطأه به صلى قاعدا بركوع

وسجود ويقعد كيف شاء في الأصح ، وإلا قام بقدر ما يمكنه

If one is unable to stand for the entire prayer or it will be difficult due to the presence of strong pain or one fears aggravation of his present illness or that it may delay his recovery if he were to pray standing, **then it is permissible to pray seated offering bowing and prostration, and one may sit any way he likes.**[1] The Prophet ((God bless him and give him peace)) was asked about praying with an illness upon which he said [Pray standing, and if you are unable, then pray sitting, and if you are unable then (pray) on your side];[2] **and if one is able to stand for part of the prayer, then he is to do so according to his capacity.**

وإن تعذر الركوع والسجود صلى قاعدا بالإيماء ، وجعل إيماءه للسجود أخفض من إيمائه للركوع ، فإن لم

يخفضه عنه لا تصح

If one is unable to bow or prostrate, but capable of sitting even though leaning against something, **he is permitted to pray sitting and nod his head** for the bowing and prostration; **and his nod for the prostration is to be lower than his nod for the bowing; and if one does not lower his head further down, then the prayer stands invalid.** Note: the same rule applies if one cannot prostrate, but able to perform the bowing; in that he is to nod for both of them. The basis for this rule is the hadith of the Prophet (God bless him and grant him peace) who visited a man and saw him praying on a cushion. The Prophet removed it after which the man took a stick and began to lean upon it. This was also removed by the Prophet as he said, "Pray sitting if you can and if you are unable, then pray by indicating (nodding), and make your nod for the prostration lower than your nod for the bowing."[3]

ولا يرفع لوجهه شيء يسجد عليه ، فإن فعل وخفض رأسه صح ، وإلا لا

And one is not to elevate anything to his face to prostrate on, such as a board. **Though if he does this and lowers his head further down** for the prostration than the bowing, **the prayer is valid. If not, then the prayer is deemed invalid,** because one has left the compulsory prostration through nodding. The Prophet (God bless

[1] Whether it is the iftirash style, the tawarruk style or in a completely different manner, though it is disliked to sit in an offensive manner when there is no reason to do so.

[2] Bukhari 1117.

[3] Al-Baihaqi in Sunan al-Kubrah 2/306. [Maraky al-Falah 255].

him and give him peace) said [Whoever of you is able to perform prostration, then he should perform it, and whoever is unable, then he should not raise something to his face to prostrate on, but rather for bowing and prostration should indicate with his head].[1] In the text *al-Mujtabah*, it states: The manner of nodding for bowing and prostration appeared to resemble each other, in that - is it enough to just slightly move forward with the head and body? Or is one required to lower themselves as far as possible? The narration thereafter became apparent with a proof that permits the slight movement of the body and head.

Shaykh al-Islam held that if one prays by indication and slightly moves his head for the bowing, and then for the prostration slightly moves his head, then it is permitted according to Abu Hanifa. Ibn Fadal on the other hand held that it is not valid because the action required has not been performed; and that the reality of indication is to lower the head. Additionally, some scholars say, "If a person suffers from an ailment with his forehead and nose, such as severe dizziness, then he is permitted to pray with indication (nodding), and he is *not required* to lean forward as far as possible."[2]

وإن تعسر القعود أومأ مستلقيا ، أو على جنبه ، والأول أولى ، ويجعل تحت رأسه وسادة ليصير وجهه إلى القبلة ، لا السماء ، وينبغي نصب ركبتيه إن قدر حتى لا يمدهما إلى القبلة

If it is difficult to offer prayer sitting, one is permitted to lie down on his back or side and offer the prayer through indication, although the first option is best, i.e. to lie down on one's back because one has more of his body facing the direction of prayer. **And during this posture, one is to place a cushion under his head in order to direct his face towards the qibla, not the sky, and must raise the knees if possible to avoid extending his feet towards the direction of prayer.**

وإن تعذر الإيماء أخرت عنه ((الصلاة القليلة، وهي: صلاة يوم وليلة فما دونها اتفاقا)) ما دام يفهم الخطاب ، قال في الهداية : هو الصحيح

If one is unable to pray by nodding his head for five prayer or less, **then they are postponed so long as he understands communication;** meaning that his rational faculty is functioning, **and this is mentioned in al-Hidayah as the correct view.**

وجزم صاحب الهداية في (التجنيس والمزيد) بسقوط القضاء إذا دام عجزه عن الإيماء أكثر من خمس صلوات وإن كان يفهم الخطاب ، وصححه قاضيخان ومثله في (المحيط) واختاره شيخ الإسلام وفخر الإسلام وقال في (الظهيرية): هو ظاهر الرواية وعليه الفتوى ، وفي (الخلاصة) هو المختار، وصححه في (الينابيع والبدائع) وجزم به الولوالجي ، رحمهم الله.

[1] Tabarani 7/177.
[2] Maraky al-Falah 256.

The author of al-Hidayah (then) resolved the issue confirming in the books al-Tajnis and al-Mazid: that if a person is unable to indicate with his head for *more than five prayers* and still maintains his understanding of communication, then he is not required to make up the prayers, and this view is held as the most sound according to Imam Qadikhan and others like him in the book al-Muhit. This was also the opted view of Shaykh al-Islam and Fakhr al-Islam (as-Sarakhsy). In addition, the book Adh-Dhahiriya states that "*It is the clearest report*" which the fatwa coincides with. It is also the opted view in the book al-Khilasah; and in the book of al-Yanaabi' and al-Badai' it is deemed the soundest judgment and al-Walwaliji held this view. Hence, if one is unable to nod for five prayer or less, they are postponed *whilst prayers in excess of five need not be made up in the soundest view.*

Branches

ولم يوم بعينه وقلبه وحاجبه

It is not valid to indicate with the eyes, eyebrows, or heart, and if one does so, it is *not* correct because prostration is linked with the head, not with the eyes, eyebrows, or heart. The Prophet ((God bless him and grant him peace said)) [If the sick is unable to pray standing, then he may pray sitting; and if he is unable to pray sitting, then he may pray on his back and if he is unable to do this, then Allah has accepted his reason]. Scholars differed with respect to the last point of the hadith which reads: Allah has accepted his reason. Some scholars hold that this means; that his prayer is delayed and others maintain that it means he is required to make up his prayers later and some maintain that prayer is excused from him in that state. The author maintains that one is not required to make up the prayers and this is the saying of the majority.[1] This is contrary to the Madhhab of Imam Shafi'i which allows a person to *indicate* with such things, such as one's eyes.

وإن قدر على القيام وعجز عن الركوع والسجود صلى قاعدا بالإيماء

If one is able to stand, but unable to bow and prostrate, then he is to offer the prayer through indication whilst seated. This means that one is to bow and prostrate by nodding his head whilst seated should he be unable to do so normally.

وإن عرض له مرض يتمها بما قدر ولو بالإماء في المشهور

If one begins the prayer in sound health, but is then overcome by illness, he is to continue the prayer in the posture he is able, even if it is through indication, and this is the most correct view.

ولو صلى قاعدا يركع ويسجد فصح بنى ، ولو كان موميا لا

[1] Maraky al-Falah 258.

If a person prays in a sitting posture offering it through bowing and prostration, but then recovers from illness, he is to continue the prayer, although if one offered part of his prayer nodding with his head, but is thereafter able to bow and prostrate, he is not permitted to continue the prayer according to all the Hanafi jurists because a person cannot form the stronger element upon the weaker element. This person must therefore begin the prayer from the start. For example; if one commences his prayer by nodding his head and through the course of his prayer, he recovers and is able to pray normally, then he cannot complete the prayer and must start a new one.

ومن جن أو أغمي عليه خمس صلوات قضى، ولو أكثر لا

If one suffers from insanity or a loss of consciousness (fainting) for five prayers or less, then he is liable to make them up. If the prayers missed exceed five, i.e. the sixth prayer time expires, then he is not liable to make them up.

في إسقاط الصلاة والصوم

When Prayer and Fasting Are Excused from One's Responsibility[1]

متى لا يجب الإيصاء

When Is One Not Required To Make A Will

إذا مات المريض ولم يقدر على الصلاة بالإيماء، لا يلزمه الإيصاء بها وإن قلت

If a sick person dies and was unable to pray through indication (i.e. nodding), then it is ***not*** necessary on him before dying to make a will [*wasiyyah*] instructing his heirs to pay the fee for the prayers, even if they were only a few.

وكذا الصوم إن أفطر فيه المسافر والمريض وماتا قبل الإقامة والصحة

This is also the case if a traveller or sick person breaks his fast in the month of Ramadan, but dies before residence and before sound health. This means, the traveller died before becoming a resident and the sick person died before regaining sound health. Verily, they are not required to make a will instructing their heirs to redeem the lost days, because in both situations they were not in a position to make up the days.

[1] It is mentioned through Sacred text, that if one is unable to fast on the day required, then a fidya (fee) is to be paid; and scholars have agreed that the same applies to prayer. When a person recovers, he is still liable to make up the unperformed days. The fee is half a measure [*sa'*] of wheat or its equivalent value. [For measurements and weights, see page 28].

متى يوصي

When Is One Required To Make A Will

وعليه الوصية بما قدر عليه وبقي بذمته

A person who breaks his fast in Ramadan even when he had no reason to break it, **is required to make a will** instructing his heirs to pay the *fidya* **for the days he was able to make up but did not and thus remained a debt upon him** until he died. This means that if the person was capable of making up the days, but did not and thereafter died, leaving the lost days as a debt, then he is to make a will for those days which he was able. In the will, this person is to leave instructions for his heirs or responsible family member to redeem the missed days for him.

فيخرج عنه وليه من ثلث ما ترك لصوم كل يوم ولصلاة كل وقت حتى الوتر، نصف صاع من بر أو قيمته

The heir (or responsible family member) **is to pay this debt from the third of the wealth, which the deceased left, for every day of fasting and every prayer that was missed, even the witr prayer; the fee to be paid is half a measure of wheat [sa'] or its equivalent value,** though the equivalent value is better because of the varying needs of the poor, and this amount or its equivalent is given for each prayer or fast missed. If however the deceased does not make a will leaving instructions for his next of kin, then it is not necessary for his next of kin to pay his debt, though he is still permitted to do so. And the way to compensate for each day of fasting that was missed by the deceased is by feeding a poor person as the Prophet ((God bless him and give him peace)) said [Whosoever dies while some fasts of the month were outstanding against him, the needy should be provided a meal on his behalf in lieu of the fast of each day];[1] and with respect to prayer, a single prayer is regarded like a complete day of fasting, and this is the correct view whilst other scholars maintain that a whole day of prayer is equivalent to making up one day of fasting.[2]

و إن لم يوص وتبرع عنه وليه جاز

And if the deceased did not make a will before dying, **but his next of kin pays the debt on his behalf** anyway, **it is permissible** God willing, for Imam Muhammad held that if the next of kin pays the due, it is permitted God willing.

ولا يصح أن يصوم ولا أن يصلي عنه

It is not permissible to fast on behalf of the deceased, nor can one pray on behalf of the deceased. The Prophet ((God bless him and give him peace)) said [One cannot fast on behalf of another and one cannot pray on behalf of another, however, one may feed (others) on his behalf].[3] As for other narrations contrary to

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[1] Ibn Majah 1757

[2] Maraky al-Falah 261.

[3] An-Nasai 2/175.

this, is the saying of the Prophet ((God bless him and give him peace)) who said [Whoever died and upon him remained fasts, his custodian fasts them on his behalf];[1] *verily this has been annulled.* Thus, it is not correct for people to give money to the poor, so that they (the poor person) can fast and pray on behalf of the dead?[2]

الحيلة لإبراء ذمة الميت

A Method In Acquitting The Deceased Of His Debt

وإن لم يف ما أوصى به عما عليه ، يدفع ذلك المقدار للفقير ، فيسقط عن الميت بقدره ، ثم يهبه الفقير للولي ويقبضه ، ثم يدفعه للفقير فيسقط بقدره ، ثم يهبه الفقير للولي ويقبضه ، ثم يدفعه الولي للفقير ، وهكذا حتى يسقط ما كان على الميت من صلاة وصيام

If the deceased does not leave enough wealth to suffice what he had directed his next of kin to pay, then the next of kin is to pay that small amount of wealth to a poor person, in which case he reduces a portion of the debt owed in prayer and fasting days depending on the amount he gave, and then after the poor person takes the wealth, he voluntarily gives it back to the next of kin who collects it. Then again, the next of kin pays the wealth back to the poor individual in which case another portion of the debt of the deceased is lifted according to that amount of wealth. Then the poor individual voluntarily returns the money to the next of kin who collects it. Then the next of kin pays the money again to the poor individual in that another portion of the debt has been cleared etc... until the debt of the deceased owed from the prayers and fasting days are cleared.

لمن تعطى الفدية

Recipients Of Fidya [Fee]

ويجوز إعطاء فدية صلوات لواحد جملة بخلاف كفارة اليمين والله سبحانه وتعالى أعلم

It is permissible to give the entire fee [*fidya*] to one poor person for all the outstanding prayers, though one cannot do this if he is paying the fee of a broken oath, because with respect to broken oaths, the payment is specified. Allah says [He (Allah) will call you to account for deliberate oaths: for expiation, feed ten indigent persons, on a scale of the average for the food of your families].[3]

باب قضاء الفوائت

Performing Missed Prayers

حكم الترتيب

The Ruling With Respect To The Order Of Prayer

الترتيب بين الفائتة والوقتية وبين الفوائت مستحق (أي: لازم)

To maintain a sequential order between a missed prayer and the current one is necessary; that is, one must offer the missed prayer before the current one. If there are a few missed prayers, **the sequential order is also required between the missed prayers** themselves provided they are less than six. For example, if a person misses the fajr, dhuhr, 'asr and maghrib, then he must perform them in order and thereafter offer the current prayer, in this case the 'isha. The reason a sequential order is required is due to the words of the Prophet ((God bless him and give him peace)) [Whoever missed a prayer due to sleep or forgetfulness and did not remember it until he was praying with the imam, he must complete the one he is praying, and then pray the one he missed, and thereafter repeat the one he prayed with the imam)).[1]

بم يسقط الترتيب

That Which Excuses The Order

ويسقط بأحد ثلاثة أشياء

The order is excused with one of three things;

ضيق الوقت المستحب في الأصح. والنسيان

1- **The order is excused when the desirable part of the prayer time is insufficient** in allowing the performance of the missed prayers plus the current one, **and this is the most correct view.** An example of the disliked times, is the period before sunset, in which case one may pray the current prayer, then the missed one if he cannot pray both in the desirable time.

2- **Forgetting** is an exception to the order because a person cannot offer something he cannot remember.

وإذا صارت الفوائت ستا غير الوتر، فإنه لا يعد مسقطا، وإن لزم ترتيبه

3- The third is **when the missed prayers become six not including the witr.** Verily, **the witr is not a reason to excuse the order even though one must still perform it in order** after the 'isha prayer. Note: The reason the order is excused when a person misses six prayers is because if one had to repeat them in order, it would burden him and Islam is opposed to this as Allah said, which means [He has chosen you, and has imposed no difficulties on you in religion].[2]

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[1] Darqutani 1/421.

[2] Hajj 68.

ولم يعد الترتيب بعودها إلى القلة

The sequential order remains excused, even if one performs some of the missed prayers, so that they are reduced in number, because once the order is excused, it remains so. For example, if a person has seven missed prayers, the order is excused. If this person begins to make up the prayers and reduces the seven to four, the order remains excused.

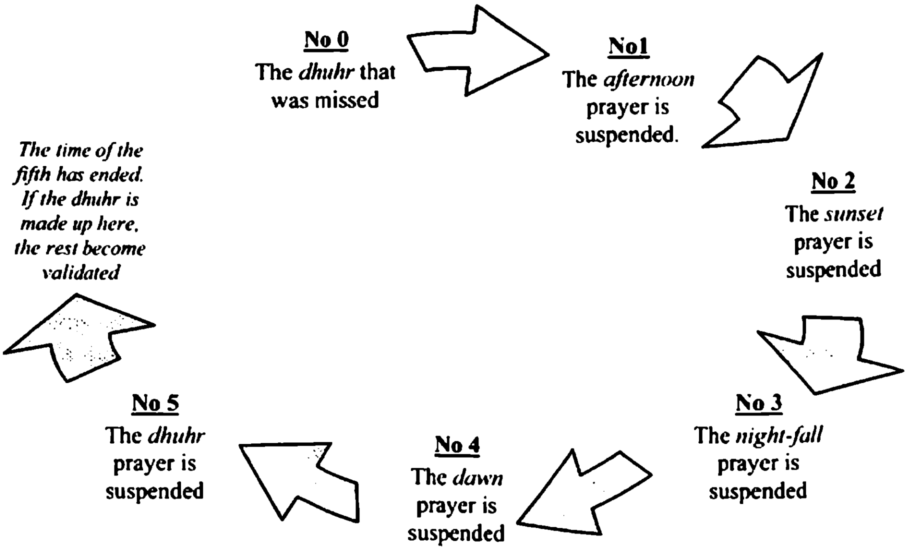
ولا بفوت حديثة بعد ست قديمة على الأصح فيهما

And neither is the order restored if one misses a new prayer after missing six old ones, for the reason that once the order is excused after six, the missing of a new prayer does not restore the order **and this is the soundest view.**

فلو صلى فرضا ذاكرا فائتة ولو وترا فسد فرضه فسادا موقوفا ، فإن خرج وقت الخامسة مما صلاه بعد المتروكة ذاكرا لها صحت جميعها ، فلا تبطل بقضاء المتروكة بعده. وإن قضى المتروكة قبل خروج وقت الخامسة بطل وصف ما صلاه متذكرا قبلها ، وصار نفلا.

If a person offers an obligatory prayer and during this remembers a missed one, even if it is the witr, then the prayer becomes invalid in a suspended form. If one continues to pray five prayers all through which he remembers the missed one, then all are invalid in a suspended form. **When the time of the fifth prayer ends,** which means, the sixth prayer time enters, **the prayers are converted to valid prayers** according to Abu Hanifa. **And they remain valid, provided the missed prayer is made up when the *time* of the fifth prayer ends, not before. If the missed prayer is made up before the time of the fifth has ended, then the five obligatory prayers performed are deemed invalid in essence and stand converted to voluntary**; meaning, the quality of those prayers is no longer regarded as obligatory, rather they are regarded as voluntary. Consider the following: if a person begins the 'asr prayer and then remembers he has not prayed the dhuhr. However, throughout the day, he does not make up the dhuhr; rather he continues to offer his prayers without making up the dhuhr. He therefore prays the 'asr, maghrib, isha, fajr and dhuhr of the next day without having made up the dhuhr he missed. At this point, the new 'asr time arrives. This person performs wudu and makes up the dhuhr he missed the previous day. The fact that he made up the dhuhr in this time validates all his prayers after missing the dhuhr. Though, if he made up the dhuhr before this time, the prayers he prayed are converted into nafl. See the diagram on the next page.

Note: the reason the prayers became valid is because the fact that they were labelled as suspended is as though one did not perform them, and the order is excused after six prayers. Hence, they were suspended due to the order, but became validated with the dropping of the order.



وإذا كثرت الفوائت يحتاج لتعيين كل صلاة . فإن أراد تسهيل الأمر عليه نوى أول ظهر عليه أو آخره
وكذا الصوم من رمضانين على أحد تصحيحين مختلفين

If one misses a large number of prayers, it is necessary to make them up until one predominantly believes that he is free of debt; and during the making up of these prayers, **one is required to specify each missed prayer,** such as saying, "I intend to perform the dhuhr prayer of Tuesday, the 8th of Rajab 1394 AH." However, this method may entail great difficulty. **If however one wishes to simplify the matter, then he may specify the first dhuhr prayer due on him or the last dhuhr due on him. The same rule applies when one is observing unperformed fasting of Ramadan of the past two years. The requirement for specifying in these cases is one of two correct legal views, which oppose each other.** Verily, one view maintains that specification is required and one view holds that it is not.[1]

ويعذر من أسلم بدار الحرب بجهله الشرائع

A person who becomes Muslim in enemy land (dar al-harb) and does not pray, or fast **and does not know the requirements of Islamic Law, is excused** from having to make up what he missed because the aim of the law requires the individual to have knowledge of the compulsory actions, and this is not present in enemy land. However, Imam Zufar held the view that one is not excused based on his ignorance.

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[1] Maraky al-Falah 266.

باب إدراك الفريضة

Catching The Prescribed Prayer

متى يجوز للمصلي قطع صلاته، ومتى لايجوز

When Is It And Is It Not Permitted To Cut Off Prayer

إذا شرع في فرض منفردا فأقيمت الجماعة قطع واقتدى إن لم يسجد لما شرع فيه

If one starts an obligatory prayer alone and then the prayer in congregation commences, he is to cut off his prayer by giving salam standing, **and join the imam provided he had not performed a prostration in the prayer he began alone.**

أو سجد في غير رباعية

And if one prostrates (for the first rak'ah) **in other than a four rak'ah prayer,** such as *fajr* or *maghrib*, **and then the prayer in congregation commences, he is to cut off his prayer** *after the prostration* by giving the finishing salams, because if he adds another rak'ah, then he will be deemed as having completed the *obligatory prayer for fajr and maghrib in a technical sense.* With respect to the *maghrib* prayer, completing the majority of rak'ahs is regarded as completion of the prayer in a technical sense. It is thus vital not to add a second rak'ah.[1]

وإن سجد في رباعية ضم ركعة ثانية وسلم لتصير الركعتان له نافلة ، ثم اقتدى مفترضا

If one prostrates in a four rak'ah prayer, such as the *dhuhr,* **and then the prayer in congregation commences, he is to add a second rak'ah to it, then finalise these two rak'ahs with salams so that the two rak'ahs he performed are regarded as voluntary prayer; after that, he is to join the group offering his obligatory prayer** in order to secure the merit of praying with the congregation.

وإن صلى ثلاثا أتمها ، ثم اقتدى متنفلا إلا في العصر

If a person has offered three rak'ahs from a four rak'ah obligatory prayer alone, **then he is to complete the prayer** because the majority has been performed, and the major part takes the rule of the whole. After this, **he is to join the group with the intention of offering voluntary prayer, except in the *'asr* prayer** or *fajr*, for the reason that we have been prevented from offering voluntary prayer after the *'asr* and *fajr*. *Therefore, he is not to join the congregation of the fajr or 'asr as a voluntary act.* However, Imam Muhammad maintained that this person is to complete the remainder of his prayer sitting, so that the prayer is regarded as a voluntary one, and thereafter join the group prayer and offer the obligatory prayer in a group. In this manner, one will achieve the merit of the voluntary prayer as well as having performed the obligatory prayer in a group.[2]

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[1] Maraky al-Falah 268.

[2] Maraky al-Falah 268.

وإن قام لثالثة فأقيمت قبل سجوده قطع قائما بتسليمة في الأصح

If one stands for the third rak'ah (of a prayer consisting of four rak'ahs), **thereafter the prayer in congregation starts before he prostrates** for the third rak'ah, **he is to cut off his prayer standing by giving finishing salams** (*or return to the sitting posture and give the finishing salams*), **and this is the most correct view.** *As-Sarakhsy* said, "If one does not return to the sitting posture, the prayer is void, because sitting is required." *Fakhr al-Islam* said, "The sound position is that one is to say 'Allahu akbar' standing intending to begin the prayer of the imam. By this, he will attain completion of his prayer within his commencing of the prayer of the imam; and if he wants, he may raise his hands for the takbir."[1]

وإن كان في سنة الجمعة فخرج الخطيب أو في سنة الظهر فأقيمت (الجماعة) سلم على رأس ركعتين وهو الأوجه ، ثم قضى السنة بعد الفرض

If a person is offering the sunna of the Friday prayer, and then the imam emerges for the sermon, **he is to give the finishing salams after two rak'ahs. This is also the case if one is offering the sunna of the *dhuhr* prayer, and then the prayer in congregation commences**; that is, he is to give finishing salams after two rak'ahs. **Following this, one is to complete the sunna after praying the obligatory prayer.**

ومن حضر والإمام في صلاة الفرض اقتدى به ولا يشتغل عنه بالسنة إلا في الفجر، إن أمن فوته وإن لم يأمن تركها

If a person arrives at the mosque and finds the imam offering the obligatory prayer, he is to join the imam and is not to preoccupy himself with the sunna, except the sunna of the dawn prayer provided he is sure he will *not* miss the obligatory prayer with the imam. Indeed, one is to offer the sunna of *fajr* even if he is in the mosque, though one should offer it away from the lines of the group prayer. And even if one is sure he will only catch the tashahhud of the imam, he is to offer the dawn sunna because it has greater merit than any other sunna prayer.[2] The Prophet ((God bless him and give him peace)) said [When the call to commence the prayer has been announced, there is no prayer except the one being commenced].[3] However, this excludes the sunna of the dawn prayer as the Prophet ((God bless him and give him peace)) said [The rak'ahs of *fajr* are more loved to me than the world and what it contains]. **Though if one fears he will miss the dawn prayer with the imam** by praying the sunna, **then he is to leave it and join the group.**

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[1] Maraky al-Falah 269.
[2] Maraky al-Falah 270.
[3] Muslim.

حكم قضاء الصلاة المسنونة

The Ruling Of Making Up Sunna Prayers

ولم تقض سنة الفجر إلا بفوتها مع الفرض

The sunna of the *fajr* cannot be made up unless one misses the *fajr* prayer with it as well in which case one performs the sunna first, then the fajr prayer. However Imam Muhammad held that one may offer the sunna after the sun has risen, but before the sun reaches its zenith. He held that there is no make-up [*qada'*] of the sunna as the sun is rising or after the dhuhr has enters, which was agreed upon.

وقضى السنة التي قبل الظهر في وقته ، قبل شفعه

If one misses the sunna *before* the *dhuhr*, he is to make it up *before* offering the two rak'ahs which come after the *dhuhr* prayer, because originally, the sunna of the four rak'ahs precede the sunna of two rak'ahs. This was the view of the author which coincides with the majority. **Furthermore, the makeup of this sunna is to be done in the time of *dhuhr*.**

ولم يصل الظهر جماعة بإدراك ركعة ، بل أدرك فضلها ، واختلف في مدرك الثلاث

A person is not considered as having offered the *dhuhr* prayer in congregation if he only catches one rak'ah with the imam; rather he has caught the superiority and excellence of the congregation. This person has gained the spiritual superiority of the congregation, though he has not prayed the *dhuhr* with the congregation in reality.[1] This means that is one offers one rak'ah of the dhuhr prayer in congregation, it cannot be said that one has offered the dhuhr prayer in congregation. Based on this, if one promises to pray the dhuhr in congregation and he only offers one rak'ah of it in a group, then he has not fulfilled his promise. The same rule applies to catching two rak'ahs of the dhuhr prayer; and this is agreed upon.[2] **And scholars differed about the one who catches three rak'ahs with the imam,** whether or not he has made the prayer with the congregation.

In addition, the reward [*thawab*] of the congregation differs to the superiority and excellence [*fadl*] of the congregation. It is agreed upon that whoever catches one rak'ah from a four rak'ah prayer – then he does not attain the reward of the group; rather he attains the superiority and excellence of it. The same rule applies to catching two rak'ahs in congregation (from a four rak'ah prayer). Scholars differed with respect to catching *two rak'ahs* from a *three rak'ah* prayer as well as *three rak'ahs* from a *four rak'ah* prayer. It is said that in such cases, one attains the reward [*thawab*] of the group because one has completed the majority of the prayer, while others held the contrary.[3]

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[1] Al-Hidayah 177.

[2] Maraky al-Falah 271.

[3] Nur al-Idah 150.

Branches

ويتطوع قبل الفرض إن أمن فوت الوقت ، وإلا فلا

A person may perform as many voluntary prayers as he likes before the obligatory one if he is sure its time will not pass. If not, then he is to relinquish this.

ومن أدرك إمامه راكعا فكبر ووقف حتى رفع الإمام رأسه لم يدرك الركعة

If a person finds the imam in the bowing of a rak'ah, and then offers takbir (Allahu akbar) and remains standing until the imam raises his head from the bowing, then he has <u>not</u> caught the rak'ah and is required to make it up. Note: In any situation, if the imam raises his head from bowing without the follower joining him, the rak'ah is considered unperformed and the follower will have to make it up. Additionally, if the follower is descending into the bowing posture while the imam raises his head, the same ruling holds. There must be partnership in the act in order for it to be valid. Ibn Umar ((God be pleased with him)) said [If one catches the imam's bowing by joining him in that posture before he lifts his head, then verily one has caught the rak'ah, and if the imam lifts his head before one made the bow, then one has lost a rak'ah].[1]

وإن ركع قبل إمامه ، بعد قراءة الإمام ما تجوز به الصلاة فأدركه إمامه فيه صح ، وإلا لا

If the imam has recited that which is required in prayer (namely, one long verse or three short verses) **thereafter, a follower bows before the imam does, then, if the imam joins him in the bowing, the followers bow is deemed valid** even though it is prohibitively disliked to proceed ahead of his imam. This dislike is due to the words of the Prophet ((God bless him and give him peace)) who said ((Do not overtake me in bowing or prostration)).[2] **However, if the imam does not join the follower in the bowing** or the follower bows before the imam completes the recitation required, **then the follower's bow is invalid** and he must perform the bow again, and if he does not and continues the prayer, it is void.[3]

وكره خروجه من مسجد أذن فيه حتى يصلي إلا إذا كان مقيم جماعة أخرى

It is disliked to depart the mosque after the *adhan* has been announced until the prayer is performed, except if one is attending another group prayer such as an imam or the caller of prayer who is committed to another group prayer. The Prophet ((God bless him and give him peace)) said [One does not leave a mosque after the *adhan*, except a hypocrite or a man who had a need and intended to return].[4]

وإن خرج بعد صلاته منفردا لايكره ، إلا إذا أقيمت الجماعة قبل خروجه في الظهر والعشاء فيقتدي فيهما متنفلا

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[1] Abdur-Razak 2/279 [Maraky al-Falah 272].

[2] Ibn Habban 5/608.

[3] Maraky al-Falah 272.

[4] Abu Dawud and al-Baihaqi, Maraky al-Falah 273.

There is no dislike if one departs the mosque after having prayed alone, except if the congregation commences before his departure for the *dhuhr* and *'isha* prayer; in these cases, one is to join the group offering voluntary prayer. This is because one is permitted to join the *dhuhr* and *'isha* with the intention of a voluntary prayer and another reason is to evade a position of blame and accusation for avoiding the group prayer. The Prophet ((God bless him and give him peace)) said [Whoever believes in Allah and the Last Day must not stand in the position of being accused (by others)].[1]

ولا يصلي بعد صلاةٍ مثلها

One is not to offer the same prayer he has already performed. These are the words articulated in the hadith mentioned by al-Zayla'i, and scholars held different interpretations as to the meaning. Some said it means: "One cannot pray the same obligatory twice for the seeking of rewards." Others maintained that it means: "One must not abandon the prayer and begin a new one the moment he believes he has ruined it, for the reason that such actions would encourage satanic whispers." Others maintain it means: "One is not to *repeat* the obligatory prayer believing he has not offered the first one properly."[2]

باب سجود السهو

The Prostrations Of Forgetfulness

حكم سجود السهو، وسببه

The Ruling Of The Prostrations Of Forgetfulness And Its Cause

يجب سجدتان بتشهدٍ وتسليم لترك واجب سهوا، وإن تكرر

If a person forgetfully omits a *wajib* element of prayer, it becomes necessary to perform two prostrations, the tashahhud and the finishing salams, and this is all that is required **even if one omits multiple acts.**[3] The prostrations of forgetfulness was legally established to mend a defect that occurred in prayer and for that reason it is deemed necessary to perform. The way it is performed is as follows: when the person sits for the last sitting of prayer the equivalent time of tashahhud, he is to observe one salam to the right after which he is to perform the two prostrations. This is followed by the recitation of the tashahhud, ibrahimiyya and supplication and is concluded with the finishing salams. If one performs the prostrations of forgetfulness prior to the salam, it is somewhat disliked. Note: according to the jurists – forgetfulness, doubt and oversight are all regarded as one and the same in relation to the rule.

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[1] Al-'Ajluni fi Kashf al-Kafa' 2/333 [Maraky al-Falah 273].

[2] Maraky al-Falah 273.

[3] The same rule applies if one delays, commits excess or deficiency with respect to a wajib element, not a sunna one.

هل يسجد إذا ترك الواجب عمدا

Intentionally Omitting A Necessary [Wajib] Act

وإن كان تركه عمدا أثم ، ووجب إعادة الصلاة لجبر نقصها

If one deliberately omits a wajib element, he has sinned and must repeat the prayer to mend the defect caused by the deliberate action.

ولا يسجد في العمد للسهو، قيل : إلا في ثلاث : ترك القعود الأول ، أو تأخيره سجدة من الركعة الأولى إلى آخر الصلاة ، وتفكره عمدا حتى شغله عن (مقدار) ركن

However, there are some cases where jurists have said, ***"One is not to perform the prostrations of forgetfulness for deliberate omissions, except in three situations"***

1- If one intentionally omits the first sitting of tashahhud.

2- If one deliberately delays the prostration from the first rak'ah to the end of the prayer.

3- If one intentionally ponders over anything, for an amount of time it takes to complete a pillar.

وقت السجود السهو

When To Perform The Prostrations Of Forgetfulness

ويسن الإتيان بسجود السهو بعد السلام

It is sunna to perform the prostrations of forgetfulness after the finishing salam of prayer, though it has been stated that this action is *wajib*. The basis of the Hanafi view is the report that the Prophet ((God bless him and grant him peace)) [Offered two prostration of forgetfulness whilst seated after the salam].[1] In addition are the words of the Prophet ((God bless him and give him peace)) [For each error are two prostrations after the salutation].[2] Therefore, the Hanafi view holds that it is sunna to perform the prostrations of forgetfulness after one has offered the salam of prayer and that it is sufficient to offer them after the first salam to the right side. Imam Shafi'i on the other hand held that one is to make the prostrations prior to the final salams due to the report that the Prophet ((God bless him and give him peace)) [Made the prostrations for error prior to the finishing salams]. It is recorded by all the six sound compilations. Imam Malik held that prostrations due to deficiency are made prior to salutation and those due to excess are made after the salutation.

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[1] Bukhari in the Chapter of Sahu. [Maraky al-Falah 274].

[2] Abu Dawud and Ibn Majah.

ويكتفي بتسليمة واحدة عن يمينه في الأصح فإن سجد قبل السلام كره تنزيها

It is sufficient to make the prostrations after offering one salam to the right, and this is the soundest view and that which the majority of scholars maintain. Their reasons for this view is that it is superior and precautionary because once a person has offered both finishing salams, he is permitted to speak; hence, it is best to be offered after the first salam. **It is somewhat disliked to offer the prostrations prior to the finishing salams of prayer.**

متى يسقط سجود السهو

When The Prostrations Of Forgetfulness Are Excused

ويسقط سجود السهو بطلوع الشمس بعد السلام في الفجر واحمرارها في العصر

The prostrations of forgetfulness are *excused* when the sun rises *right after* one has offered the salams in the dawn prayer. In other words, if one offers the salam of prayer *before* the sun rises and then it emerges, the prostrations are excused. **Likewise, the prostrations are excused if one offers the salams *prior* to the sun changing colour in the *'asr* prayer, thereafter it changes colour.**

وبوجود ما يمنع البناء بعد السلام

Additionally, if one offers the **finishing salams and then performs any act that prevents him from continuing the prayer,** such as intentionally breaking wudu after the salam, or laughing and talking, **the prostrations of forgetfulness are *excused*.** In other words, should one intentionally perform an act after the salam, an act which would prevent one from continuing the prayer, such as speaking, then the prostrations are excused.

حكم المأموم والمسبوق في سجود السهو

The Ruling Of The Follower (Ma'mum) And Latecomer (Masbuq) In Relation To The Prostrations Of Forgetfulness

ويلزم المأموم بسهو إمامه لا بسهوه

The forgetfulness or error **of the imam makes the prostrations binding upon the followers, though if the follower is forgetful, the prostrations are neither binding on the imam nor the follower.** The reason is that if the follower does prostrate the prostrations of forgetfulness by himself, he would be at variance with the imam, and the Prophet (God bless him and grant him peace) said, "Do not be at variance with your Imams," and the Prophet (God bless him and give him peace) said, "The imam is responsible for you, who lifts off you your forgetfulness and your recitation."[1] Another narration states that the Prophet (God bless him and give him peace) performed the prostrations of forgetfulness and the people performed the prostrations with him.[2]

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[1] Abu Dawud, at-Tirmidhi.

[2] Amda al-Ahkam 2/36.

ويسجد المسبوق مع إمامه ثم يقوم لقضاء ما سبق به . ولو سها المسبوق فيها يقضيه سجد له أيضا لا اللاحق

The latecomer to the group prayer must perform the prostrations with his imam (because he is joined to him) **after which he is to rise to make up what he missed from the prayer.**[1] **If the latecomer then makes an error** (i.e. he forgets) **while he is making up the actions he missed, he will have to perform prostrations for that error as well. Though not the one who was with the imam at the start.** For example; person X begins the prayer with the imam, but then falls asleep in the prayer. When he wakes, he is required to make up what he lost. However, if he forgets something when making up what he lost, it is compensated for by the imam without the need of forgetful prostrations on the basis that he began with the imam whereas the one who arrived late to the prayer and missed a portion of the prayer with the imam, is required to prostrate for his own forgetfulness, should he commit one when making up the actions he missed.

فروع

Branches

ولا يأتي الإمام بسجود السهو في الجمعة والعيدين

The imam is not to perform the prostrations of forgetfulness in the Friday prayer, nor for both Eid prayers in order to repel the discord due to the large number of people.

ومن سها عن القعود الأول من الفرض عاد إليه ما لم يستو قائما في ظاهر الرواية وهو الأصح ، و(إذا سها) المقتدي

(فحكمه) كالمتنفل يعود ولو استتم قائما

One who forgets to perform *the first sitting* in an obligatory prayer is to return and sit, provided he does not completely stand, and this is according to the evident report which is the correct one. The Prophet ((God bless him and grant him peace)) said [When an imam stands up at the end of two rak'ahs, if he remembers before standing straight up, he should sit down, but if he stands straight up, he should not sit down, but perform the two prostrations of forgetfulness].[2] **And if a follower** (behind the imam) **forgets to sit, then his case is like one who offers a voluntary prayer, he is to return and sit even if he was completely standing,** because he is a follower.

فإن عاد وهو إلى القيام أقرب سجد للسهو، وإن كان إلى العقود أقرب لا سجود عليه في الأصح ،

وإن عاد بعد ما استتم قائما اختلف التصحيح في فساد صلاته

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[1] Note: before the latecomer rises to make up what he has missed, he should wait until he knows that the imam is not going to perform prostrations of forgetfulness; though one may rise after reading the tashahhud when he fears the period of wiping the footgear will expire, or the time of the Friday prayer will expire, in which cases one does not have to wait for the imam to give salam. (Maraky al-Falah 276)

[2] Abu Dawud 1031.

If the person (who forgets to sit at the first sitting) **returns to the sitting posture after being closer to standing, then he is to perform the prostrations of forgetfulness.** Note: one is regarded as being closer to standing when the bottom half of the body is straight up, whilst the back is leaning. **If on the other hand one was closer to sitting, then he is not required to offer the prostrations of forgetfulness.** One is regarded as closer to sitting if his legs have not been straightened. **If one returns to the sitting posture after completely standing, scholars differed whether the prayer is nullified or not,** though the clearest report is that the prayer is sound.

وإن سها عن القعود الأخير عاد ما لم يسجد ، وسجد لتأخيره فرض القعود

If a person *forgets to perform the last sitting* and rises for the fifth rak'ah, **he is to return to the sitting posture provided he does not prostrate in the fifth rak'ah, and must then perform the prostrations of forgetfulness for delaying the compulsory sitting.** It has been narrated that the Prophet ((God bless him and grant him peace)) [Returned (to the sitting posture) after standing for the fifth, and he performed prostrations of forgetfulness].[1]

فإن سجد صار فرضه نفلا ، وضم سادسة إن شاء ، ولو في العصر ورابعة في الفجر . ولا كراهة في الضم فيهما على الصحيح ، ولا يسجد للسهو في الأصح

If on the other hand one performs a prostration in the fifth rak'ah (whether it is done forgetfully or intentionally), **then his obligatory prayer is converted into a voluntary one** for the reason that he has engaged in a voluntary prayer before the completion of the obligatory one. Abu Yusuf held that: the prayer is no longer regarded as obligatory from the moment one places his hands on the floor for the prostration in the extra rak'ah, while Muhammad said it is when one's forehead is raised from the floor; **and he may add a sixth rak'ah if he wishes, even if it was in the *'asr* prayer or a fourth rak'ah in the *fajr*** for the reason that it is desirable to complete this voluntary prayer which was not originally intended. **And there is no dislike for having added these rak'ahs** because they were not intended from the start, **and this is the soundest view. Upon this, one is *not* to perform the prostrations of forgetfulness** for having left the sitting, because what is rendered deficient by an invalidating factor cannot be mended.[2] Note: voluntary prayer is performed as two rak'ahs minimum and for this reason it is desirable to add a sixth rak'ah or a fourth rak'ah in the dawn prayer.

وإن قعد القعود الأخير ثم قام - عاد وسلم من غير إعادة التشهد ، فإن سجد لم يبطل فرضه ، وضم إليها أخرى لتصير الزائدتان له نافلة ، وسجد للسهو

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[1] Bukhari 1226.

[2] Maraky al-Falah 278.

If however, ***one performs the last sitting*** **and then stands up** without offering the finishing salams, **he is to return and sit and perform the finishing salams without repeating the tashahhud.**[1] **And if one prostrates in the fifth rak'ah, it does not nullify his obligatory prayer because the *last sitting* has been performed. It is however, recommended for this person to add another rak'ah to the extra one so that the additional two are regarded for him as a voluntary act. This is followed by prostrations of forgetfulness for delaying the final salams.**

ولو سجد للسهو في شفع التطوع لم يبن شفعا آخر عليه استحبابا ، فإن بنى أعاد سجود السهو في المختار

If a person has performed the prostrations of forgetfulness in a two rak'ah *voluntary* prayer, he is not to add another two rak'ahs upon them, for the addition (of two rak'ahs) nullifies the prostrations of forgetfulness by falling in the middle of the prayer. **Though if one does so** (that is, adds an extra two rak'ahs) **then he is to make the prostrations of forgetfulness again and this is the opted view** on the matter.

ولو سلم من عليه سهو فاقتدى به غيره صح إن سجد للسهو، وإلا فلا يصح

If a person on whom the prostrations of forgetfulness are required, offers the finishing salam and at that point is joined by a follower, it is valid (for the follower) **provided the former person** (the imam) **performs the prostrations of forgetfulness. If he does not, then the following is invalid** according to Abu Hanifa and Abu Yusuf, though contrary to Muhammad and Zufar. Note; the follower is to join his imam in the prostrations of forgetfulness.[2]

ويسجد للسهو وإن سلم عامدا للقطع ما لم يتحول عن القبلة أو يتكلم

If one forgets a necessary act in the prayer, the prostrations of forgetfulness are required to mend the defect. **And one is required to perform the prostrations of forgetfulness, even if he deliberately gives salam intending to cut off the prayer; provided one does not turn away from the qibla or speak** (after having offered the salam). However, it has been maintained by some scholars that turning away from the qibla does not affect him provided he does not leave the mosque or speak.[3] Comments: In the event that the prostrations of forgetfulness become due in order to remove deficiency, one is required to perform the prostrations, even in the case where one deliberately gives the finishing salam intending to cut off the prayer and not return to it, even though one remembers what is required of himself (*i.e. the prostrations of forgetfulness*). In this case, one's salam is disregarded and does not move one outside the prayer,[4] and he must perform the prostration

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[1] Note: if one offers the salam standing, it is valid, though one has left the sunna; for it sunna to give the salam seated. [Maraky al-Falah 278]. However, Al-Hidayah maintains that one is not to give the salams standing since he has the ability to sit back down and offer them.

[2] Maraky al-Falah 279.

[3] Maraky al-Falah 279.

[4] This is because the mere intention to change what is lawful and legitimate does not invalidate it; and the offering of the salam with this intent is disregarded while remembering what is required of oneself. Hence, one is required to perform the prostration of forgetfulness as the

of forgetfulness provided he does not turn away from the direction of prayer, leave the mosque or speak after having observed the salam. Moreover, if one offers the salam *remembering* that he owes a prostration from one of the rak'ahs [*sajda sulbiyya*] or an obligatory act, the prayer is deemed void. The rule in this regard is clear because the item is a pillar.[1]

ولو توهم مصل رباعية أو ثلاثية أنه أتمها فسلم ثم علم أنه صلى ركعتين أتمها وسجد للسهو

If a person praying a four or three rak'ah obligatory prayer gives the final salams thinking he has completed the prayer, but then learns he has only prayed two rak'ahs, he is to complete the prayer by praying the rak'ahs he neglected and make prostrations of forgetfulness.

وإن طال تفكره ولم يسلم حتى استيقن إن كان قدر أداء ركن وجب عليه سجود السهو، وإلا لا

If a person lengthens his thoughts or daydreams, and delays the final salams until he becomes aware, then he is required to make prostrations of forgetfulness if this time delay was equivalent to performing a pillar. If not, then he is not required to perform prostrations of forgetfulness.

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فصل في الشك

Doubt During Prayer

تبطل الصلاة بالشك في عدد ركعاتها ، إذا كان قبل إكمالها وهو أول ما عرض له من الشك أو كان الشك غير عادةٍ له

If one is uncertain about the number of rak'ahs he has offered before the completion of the prayer, and this was the first time that doubt had arisen after acquiring maturity, **or doubt which is not a regular occurrence, the prayer is void** and is to be commenced from the beginning. The Prophet ((God bless him and grant him peace)) said [If one of you is in doubt as to how many rak'ahs he has prayer, he is to start afresh].[2] Imam as-Sarakhsi held that what is meant here is that doubt is not a regular occurrence. The meaning is not that one does not forget at all, rather it is not routine.[3] Therefore, if a person has doubt about the number of rak'ahs for the first time and then did not have doubt of that kind for many years; after which it occurred, one is cease the prayer and commence a new one because it is not a regular occurrence. Moreover, the prayer is to be ended with actions that are deemed contrary to prayer. It cannot be discontinued with the intention alone. This indicates that actions contrary to prayer are required.

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ihram of the prayer remains, as long as one does not turn away from the qibla or speak. [Maraky al-Falah 279].

[1] Maraky al-Falah 279 / Ibn Abidin.

[2] Bukhari and Muslim.

[3] Maraky al-Falah 281.

Furthermore, the text clearly states that the doubt is concerned with the number of rak'ahs offered, which indicates that if a person for example doubts in the second rak'ah of the *dhuhr* prayer that he is praying the *'asr* and in the third rak'ah that he is offering a voluntary prayer and in the fourth rak'ah that he is engaged in the *dhuhr*; the Hanafi scholars held that he is performing the *dhuhr* prayer, and that the doubt is not given consideration in this regard; and this is maintained in al-Bahr.[1] Moreover, if one doubts whether he has offered prayer or not and the time of prayer remains, one is required to pray.[2]

فلو شك بعد سلامه لا يعتبر إلا إن تيقن بالترك

If a person's doubt arises after the finishing salams of prayer, then it is disregarded unless one is certain he has left out an act, namely, a necessary element, in which case one must make up what he omits. *Maraky al-Falah states*: If after the completion of the prayer, one is informed by an upright person that he has left out a rak'ah, yet the person who offered the prayer is certain that he had completed it, then the information is disregarded, though if two upright people inform the person that he has left out a rak'ah, then their information is enacted upon. And if the imam who lead the prayer differs with those who prayed behind him; and the imam is certain, then the saying of the followers is disregarded, though if the imam is not certain, then their saying is accepted.[3]

وإن كثر الشك عمل بغالب ظنه فإن لم يغلب له ظن أخذ بالأقل

If a person's doubt occurs frequently, he is to base his decision upon his predominant view. If one does not have a predominant view, then he is to take with the minimum that he knows he has performed and continue from that point. The Prophet (God bless him and grant him peace) said, "If someone was forgetful in prayer, and does not know whether he prayed one rak'ah or two, then he is to continue from one rak'ah, and if one does not know whether he has performed two or three rak'ahs, then one is to continue from the second rak'ah, and if one does not know whether he has prayed three or four, then he is to continue from three, and one must perform prostrations of forgetfulness before the salams."[4]

وقعد بعد كل ركعة ظنها آخر صلاته

In the case of continuing from the minimum, **one is to adopt the sitting posture** (and recite the tashahhud) **at each occasion that he believes to be the end of his prayer** so that he does not become like one who is neglecting the obligation of the sitting posture.[5]

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[1] Hashia Ibn Abidin 5/393.

[2] Maraky al-Falah 281

[3] Maraky al-Falah 281.

[4] Tirmidhi 398.

[5] Al-Hidayah 82 / Maraky al-Falah 282.

Furthermore, if one is certain that he has acquired the state of minor impurity [*hadath*] and he has doubt about whether he is pure, then he is regarded as being in a state of minor impurity. If one is certain he is pure and has doubt about being in a state of minor impurity, then he is deemed pure. This corresponds to the base rule that certainty is not removed with doubt. Moreover, if one doubts some of the aspects of his wudu and this is the first time it had come to mind (meaning it is not regular), then one is to wash the place of concern. If the doubt is frequent, one is to disregard it. The same applies to the wiping of the head.[1]

باب سجود التلاوة

The Recital Prostration

There are verses in the Quran that if recited, require the reciter to prostrate as well as the one who hears its recitation. There are three conditions that validate the recital prostration and they are: 1) to be pure from minor impurity and physical defilement, 2) One must face the direction of prayer, 3) and one must cover his nakedness, i.e., the awrah of the male and female must be covered. The pillar of the recital prostration is to place the forehead on the ground. And its ruling is as follows: if it is recited in prayer, it is necessary to perform immediately. And if it is recited outside of prayer, then it is necessary to perform, but may be slightly delayed, though is disliked. Additionally, it cannot be performed with tayammum unless the conditions of tayammum are satisfied.

سبب سجود التلاوة وحكمه

The Cause Of The Recital Prostration And Its Ruling

سببه التلاوة على التالي والسامع في الصحيح . وهو واجب على التراخي إن لم يكن في الصلاة. وكره تأخيره تنزيها

The reason for the ***prostration of recital*** is due to the reader who recites one of its verses and the listener who hears it; and this is the soundest view. The recital prostration is ***wajib*** to perform and may be slightly delayed according to Imam Muhammad if it is recited outside of prayer, although it is somewhat disliked to delay from its time. Abu Yusuf held one narration from Imam Abu Hanifa; that it is wajib to prostrate immediately for one who recites one of the verses of prostration. The Prophet ((God bless him and grant him peace)) said [The prostration is (obligatory) for one who hears it and for one who recites it].[2]

و يجب على من تلا آية ولو بالفارسية

The prostration becomes ***wajib*** upon anyone who recites one of its verses, even if it is recited in Persian or in any other language and this is agreed upon.

وقراءة حرف السجدة مع كلمة قبله أو بعده من آيتها ، كالآية في الصحيح

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[1] Al-Fiqh al-Islamy, Ibrahim as-Salkini 334.
[2] Ibn Abi Shaybah from Ibn Umar. Al-Dalai', vol. 2, 178.

Reciting a letter of the word *'sajda'* with the <u>word</u> before it or the <u>word</u> after, from the verses which require prostration, is regarded as recitation of the entire verse and one must therefore prostrate **according to the soundest view.** Though it has been mentioned that one is not required to prostrate unless he recites the majority of the verse of prostration. Additionally, it is held in the book *Mukhtasar al-Bahar.* that if a person recites the word *"Wasjud" – which means – but prostrate*, and then pauses and does not recite the word *"Waktarib" – which means; and bring yourself closer*, then he is required to prostrate.[1]

آيات السجدة

<u>The Verses Of Prostration</u>

وآياتها أربع عشرة آية في الأعراف والرعد والنحل والإسراء ومريم وأولى الحج والفرقان والنمل والسجدة وص

وحم السجدة والنجم وانشقت واقرأ

The Verses of prostration are fourteen and they are in the following surahs;

1) **Al-A'raf.** 2) **Ar-Ra'ad.** 3) **An-Nahl.** 4) **Al-Israh.** 5) **Maryam.** 6) **The first mention of sajda in the surah al-Hajj,** not the second mentioning of sajda in the same surah. However, Imam Shafi'i held there are two prostrations in al-Hajj.[2] 7) **Al-Furqan.** 8) **Al-Naml.** 9) **As-Sajda.** 10) **In the surah Sod** upon reading the following words: [(he) fell down, bowing (in prostration) and turned to Allah in repentance]. Verse 24. Although some scholars state the prostration is required at the words, [And a beautiful place of (final) return]. Verse 25. 11) **Ha Mim Sajda** (or Fussilat). One is to prostrate upon reciting or hearing the words in surah Fussilat, [And they never flag (nor feel themselves above it] Verse 38, although, Imam Shafi'i held that it is at the words [If it is Him that you wish to serve]. Verse 36. 12) **An-Najm.** 13) **Al-Inshiqaq** 14) **Al-'Alaq.**

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1 Al-'Alaq, 19 [Maraky al-Falah 284].

2 Maraky al-Falah 284.

من يجب عليه سجود التلاوة، ومن لا يجب عليه

Who Is Required To Prostrate

ويجب السجود على من سمع وإن لم يقصد السماع ، إلا الحائض والنفساء ، والإمام والمقتدى به (بالسماع من مقتد)

The prostration of recital becomes *wajib* when one hears it, even if he does not intend to hear it, and the ruling is the same whether one understands its meaning or not, as is reported from many of the great Companions, God be pleased with them all. **However, this excludes a female experiencing menstrual periods or post-natal bleeding** (that is, they are not required to prostrate if they hear its recitation).[1] **And neither is the imam or his followers to prostrate if they hear it from a follower behind this imam** or from a follower of another imam. For example, if the dhuhr prayer is being prayed, and one of the followers behind the imam recites a verse of prostration that is heard by the imam and followers, they are not required to prostrate. On the other hand, if a person outside the prayer hears it from a follower who is offering prayer, then the person outside the prayer is required to prostrate.[2]

ولو سمعوها من غيره سجدوا بعد الصلاة ، ولو سجدوا فيها لم تجزهم ولم تفسد صلاتهم في ظاهر الرواية

If the imam and his followers hear the verse of prostration from another person who is not praying, **they are to prostrate after the prayer. If they prostrate in the prayer, it will not suffice but their prayer remains sound according to the most apparent view in this regard.**[3]

ويجب بسماع الفارسية إن فهمها على المعتمد

Hearing the verse of prostration in Persian or any other language **and understanding it, makes it necessary to prostrate. Indeed, this ruling is the one relied upon.** This is what Imam Muhammad and Imam Abu Yusuf held though Abu Hanifa said it is necessary even if one does not understand its meaning but was informed to prostrate.[4]

واختلف التصحيح في وجوبها بالسماع من نائم ومجنون

Experts differed whether a person is required to prostate if he hears the verse of prostration from a sleeping or insane person, i.e. one may have uttered the words while sleeping. As-Sarakhsy said that it is not necessary because the recitation of it

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[1] This means that the prostration is not required of a menstruating woman or one suffering from postnatal bleeding should they recite it or hear it from others. Though if one hears the recitation from them, then others are required to prostrate. With respect to a person in a state of janaba (sexual impurity), if he recites a verse of prostration or hears it from others, then he must prostrate. And if others hear the verse recited from him, then they must prostrate as well. Additionally, if it is heard from a disbeliever or a boy (capable of differentiating), then one is required to prostrate. [Maraky al-Falah 286].

[2] Maraky al-Falah 286.

[3] Maraky al-Falah 286.

[4] Maraky al-Falah 286.

will not be correct given the absence of differentiation (from the sleeping or insane person). Furthermore, if it is recited from an intoxicated person, it becomes imposed upon him to prostrate as well as those who hear it from him.[1]

ولا تجب بسماعها من الطير والصدى

The prostration of recital is not necessitated if it is heard from a bird or an echo. A person may have a pet bird that mimics others.

بأي شيء يؤدى سجود التلاوة ؟ ومتى ؟

With What Thing Can The Prostration Be Carried Out? And When To Perform It

The verse requiring prostration can be recited and offered within a prayer and outside a prayer. If it is recited outside of prayer, it is not required immediately and may be delayed for some time. Though if one reads it, but performs it after concluding his recitation or one hears it being recited from another person and then travels home and prostrates, then he has fulfilled it. However, it is somewhat disliked to delay the prostration from the time of its recitation without an excuse, because one may forget it with the passing of time.

If it is recited within prayer, it is required immediately; and the one praying may either conclude his recitation with the verse of prostration, at which point it is not conditional that he offer a specific prostration for it; rather he may offer it in the original *bowing* of the prayer if he intends to perform it in that posture. Likewise, if he concludes his recitation with the verse of prostration, then he may offer it in the original *prostration* of the prayer, whether he intends to execute it within that posture or not.

However, if one does not conclude his recitation with the verse of prostration, and reads three verses or more after it, then one must now offer a specific prostration for what he read and the original prostration of prayer does not suffice. *And after having offered a specific prostration*, it is recommended that one rise and recite at least three verses or more, then bow and conclude the remainder of his prayer.[2]

وتؤدى بركوع أو سجود في الصلاة غير ركوع الصلاة وسجودها

The prostration of recital may be carried out with either an additional bow or additional prostration in the prayer, other than the original bowing or prostration of prayer. It is however recommended to execute the prostration of recital with a prostration and not a bow. And if the prostration verse is the last verse one reads, (*after which one offers a specific prostration for his recitation*), then he is to recite Quran after rising from it, even if it is two verses from another surah. This is so one does not construct the bowing upon the prostration immediately upon rising from it. If however, one rises from it and then immediately bows, it is disliked.[3]

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[1] Maraky al-Falah 286.

[2] Al-Fiqh al-Islamy, Ibrahim as-Salkini, 335.

[3] Maraky al-Falah 287.

ويجزىء عنها ركوع الصلاة إن نواها

In the case where one stops reading immediately after reciting the verse of prostration; or does not read more than two verses after reciting it, then it **can be carried out with the original bowing of prayer, provided one intends it within that posture**. Meaning, the original bowing of prayer suffices provided one intends to execute the prostration of recital in that posture. [*Maraky al-Falah states*:] To avoid confusion amongst the followers, the imam of a prayer as well as his followers are to carry out the recital prostration within the original bowing of the prayer. The same applies to a silent prayer.[1] Moreover, it is mentioned in *al-Tatarikhiyya* that if one recites the verse of prostration in a silent prayer, then it is better to fulfil the obligation during the bowing posture in order to prevent confusion amongst the people; and if the prayer is an audible one, then to offer *prostration* for the recitation is superior.[2]

وسجودها وإن لم ينوها (أي: التلاوة) إذا لم ينقطع فور التلاوة بأكثر من آيتين

It is also accomplished with the original prostration of prayer even if one does not intend to carry it out in that posture, provided one concludes his recitation with the verse of prostration and does not read more than two verses after reciting it. *In other words, if one concludes his recitation with the verse of prostration and does not read more than two verses after reciting it, then he may carry out his obligation in the original prostration of the prayer even if he did not intend it therein.* However, if one recites more than two verses after reciting the verse of prostration, then it can no longer be carried out with the original bowing or original prostration of the prayer; rather one must now offer a specific prostration or a specific bow for what he read.[3]

ولو سمع من إمام فلم يأتم به ، أو ائتم في ركعة أخرى ، سجد خارج الصلاة في الأظهر. وإن ائتم قبل سجود

إمامه لها سجد معه ، وإن اقتدى به بعد سجودها في ركعتها صار مدركا لها حكما فلا يسجدها أصلا

If a person hears the recital prostration from an imam, and did not become a follower at all or he does become a follower **joining the imam in a rak'ah of prayer** that did not include the recitation and performance of the prostration, **then the hearer is to prostrate alone after the prayer according to the most evident view. Though if the person joins the imam before he prostrates, then he is to prostrate with the imam. Whereas, if the person joins the imam after he prostrated, though his joining was in the same rak'ah the verse was recited in, then the person is judged as having accomplished the prostration** as he has caught the rak'ah and is under no obligation to make the prostration. For example, if a person hears the verse in the first rak'ah, but joins the imam in the second, then he is to prostrate after the prayer. If a person joins the imam before he prostrates for the verse, he is to prostrate with him. If a person joins the imam after he prostrates, though it is in the same rak'ah he recited the verse and performed its prostration, then he has accomplished the prostration by catching the rak'ah.

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[1] Maraky al-Falah 287.

[2] Radd al-Muhtar.

[3] Maraky al-Falah 287.

ولم تقض الصلاتية خارجها

A verse of prostration that is recited in the prayer must be carried out in the prayer. **If not, then it cannot be made up after the prayer.** Additionally, one must repent for intentionally leaving it.

ولو تلا خارج الصلاة فسجد ثم أعاد فيها سجد أخرى ، وإن لم يسجد أولا كفته واحدة في ظاهر الرواية

If a person recites a prostration verse outside of prayer and then prostrates, and then enters prayer and recites it once more, then he is to prostrate again, though if he did not prostrate for the first one, then the prostration in the prayer suffices for the two according to the most evident view on the matter. In other words, the one performed in the prayer suffices for the two on the basis of its strength. Note: this rule applies on the condition that one recites both verses in the same sitting; for if one changes his sitting between the two recitations, then two prostrations are due. Equally, if one performs the prostration of recital in the prayer, and then recites it after the salam of prayer, then he is to prostrate once more on the basis that the one performed in the prayer has legally ended; this is according to the most evident view on the matter.[1]

كمن كررها في مجلس واحد لا مجلسين

This is also the case for a person who repeats a prostration verse in the same sitting, in that one prostration suffices for the repetition.[2] **Though this does not apply for two different sittings;** [this means that if one recites the prostration verse in two separate sittings, then the performance of one prostration is not sufficient, since there are two places where the duty of prostration must be fulfilled].

بيان ما يتبدل به المجلس

When Is A Sitting Replaced

ويتبدل المجلس بالانتقال منه ولو مسديا

A sitting is replaced with another when one simply moves away from the first area to a distance of three steps. **This is also achieved by *tasdiyya*,** which is the manual process of making carpets or material. Such a person takes material or fibres and places it through posts fixed to a wall or floor and goes back and forth with such fibres. Indeed, such movements exchange the first sitting. With respect to the first point of moving away the distant of three steps, this is when one is on open land, desert, or a road.[3]

وبالانتقال من غصن إلى غصن وعوم في نهر أو حوض كبير في الأصح

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[1] Maraky al-Falah 290.

[2] That is, one prostration suffices for a person who recites a verse of prostration twice in the same sitting. Note: the word sitting is the translated word of *majlis*. It is described as an area that one may occupy for a duration of time and then depart from. For example; one's first sitting was the swimming pool, though after exiting the pool, one's sitting is altered or replaced.

[3] Maraky al-Falah 290.

Likewise, it is replaced if one moves from one branch to another, or by exiting a swimming area in a river or in a large reservoir, and this is the soundest view.

ما لا يتبدل به المجلس

That Which Does Not Alter A Sitting

ولا يتبدل بزوايا البيت

A sitting is not replaced by moving from one corner of a small house to another. Meaning, that one may read the verses of prostration or hear it a number of times and yet one prostration suffices in this sitting for all the recitations and hearings.

والمسجد ولو كبيرا

Likewise, moving from one corner of the mosque to another does not replace the first sitting **even if the mosque is a large one** because a person can be a follower anywhere in the mosque where there is space.[1]

ولا بسير سفينة

Being on a moving ship does not alter a sitting, and the same ruling applies if it is motionless.[2]

(ولا) يتبدل (بركعة) تكررت فيها التلاوة اتفاقا (وبركعتين)

A sitting is not replaced by offering a rak'ah of prayer in which a verse of prostration is repeated. This means that if one recites the verse of prostration more than one time in the same rak'ah, one prostration suffices. This point is agreed upon. **Likewise, a sitting is not replaced by offering two rak'ahs of prayer** in which the verse of prostration is repeated according to Abu Yusuf, though contrary to Imam Muhammad. In other words, if one recites a verse of prostration once in one rak'ah and once more in the second rak'ah, the sitting does not change according to Abu Yusuf, while it does to Muhammad. Therefore, one prostration suffices according to Abu Yusuf.[3]

وشربة وأكل لقمتين ومشي خطوتين ، ولا باتكاءٍ وقعود وقيام وركوب ونزول في محل تلاوته

Drinking, eating two mouthfuls, or walking two steps does not replace a sitting. Likewise, it is unchanged by leaning on something, or sitting and standing in the same spot, or by mounting and dismounting a beast in the place one recites the verse of prostration.

ولا بسير دابته (إذا كرره) مصليا

A sitting is not replaced if one repeats the verse of prostration in his prayer upon his moving beast.

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[1] Maraky al-Falah 290.

[2] Maraky al-Falah 290.

[3] Maraky al-Falah 290.

ويتكرر الوجوب على السامع بتبديل مجلسه وقد اتحد مجلس التالي لا بعكسه على الأصح

If the sitting of the listener changes and not that of the reciter, then the obligation of prostrating will be repeated for the listener. Meaning, the listener hears the verse of prostration in one sitting, and then changes sittings and hears the verse again from the reciter who has not moved. Hence, the reciter remains in the same place whereas the listener does not. In this case, the obligation of prostrating is repeated for the listener. **Though if the listener remains in the same sitting, while the reciter does not, then it is not necessary for the listener to prostrate twice as one suffices for the two, and this is the most correct view.**

فروع

Branches

وكره أن يقرأ سورة ويدع آية السجدة ، لا عكسه

It is disliked to recite a surah and leave out the verse of prostration, whereas the opposite is not disliked. This means that one may read the verse of prostration leaving out the rest of the surah, and there is no dislike in such practice.

وندب ضم آية أو أكثر إليها

Upon reciting a verse of prostration, **it is recommended to add another verse of Quran to it.** The reason is to prevent the assumption that one verse is greater than another, wherein reality they are all the words of Allah.[1]

وندب إخفاؤها عن غير متأهب لها

It is preferable to silently recite the prostration verse from people who are not ready or ardent to perform it, i.e. they may not have ablution or may be too tired to perform it.

وندب القيام ثم السجود لها. ولا يرفع السامع رأسه منها قبل تاليها ، ولا يؤمر التالي بالتقدم ولا السامعون

بالاصطفاف ، فيسجدون كيف كانوا

When a person is offering the prostration of recital, **it is recommended to stand for it, and then prostrate** as A'ishah (God be pleased with her) performed. Umm Salama (God be pleased with her) narrated [I saw A'ishah reading the Quran and if she passed by a verse requiring prostration, she stood up and then prostrated].[2] **And the hearer of the verse is not to raise his head from the prostration before the reciter.** Note: In reality, there is no group performance for the recital prostration, but it is preferred for the reader to prostrate first for he is the first person to respond to what he recites; **and the reciter of the verse is not to be ordered to advance forward, and the listeners are not to be ordered to line up in rows. Rather, they prostrate as they are when they hear it.**

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[1] Maraky al-Falah 291.

[2] Al-Baihaqi 2/326.

شروط سجدة التلاوة

Conditions Of The Recital Prostration

وشرط لصحتها شرائط الصلاة، إلا التحريمة

The conditions which validate the recital prostration are the same conditions of prayer, with the exception of the opening Allahu akbar.

كيفية سجود التلاوة

How To Perform The Recital Prostration

وكيفيتها أن يسجد سجدة واحدة بين تكبيرتين هما سنتان بلا رفع يد، ولا تشهد ولا تسليم

The recital prostration is performed as such; the individual prostrates once, between two *takbirs* that are sunna. There is no recitation of tashahhud or finishing salams (i.e. one is to say one takbir and descend into prostration and thereafter say the second takbir upon rising from the prostration, and during the prostration, one should say three times *"Glory be to my Lord most high."*)[1]

فصل في سجدة الشكر

The Prostration of Gratitude

حكم سجدة الشكر

Its Ruling

سجدة الشكر مكروهة عند الإمام أبي حنيفة رحمه الله لا يثاب عليها، وتركها أولى وقالا الصاحبان: هي قربة يثاب عليها

The prostration of gratitude is disliked according to Imam Abu Hanifa, in which one is *not* rewarded for doing, and its abandonment is better.[2] However, Imam Muhammad and Imam Abu Yusuf held: *"It is an action that brings one closer to Allah in which one is rewarded for performing."* Abu Bakr ((God be pleased with him)) said [When anything came to the Prophet ((God bless him and give him peace)) which caused pleasure (or by which he was made glad) he prostrated himself in gratitude to Allah].[3] Imams Shafi'i and Ahmad held that the prostration of gratitude is legally valid. Malik does not take it as legal, while Abu Hanifa said it is not recommended. According to some scholars, ablution is necessary for this

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[1] Maraky al-Falah 292.

[2] Scholars gave several reasons as to why Abu Hanifa held this view. These include: Abu Hanifa did not see this act as an act of full gratitude, and that complete gratitude is attained through a prayer consisting of two rak'ahs as Prophet Muhammad did on the day of Fat'h Makkah. As for what is related regarding the Prophet prostrating if he saw affliction and suffering, this is abrogated. [Al-Fiqh al-Islamy, Ibrahim as-Salkini 340].

[3] Abu Dawud 2768.

prostration and according to others, it is not. Ibn Qayyim said, "It appears from the prostration made by Ka'ab Ibn Malik that it was customary among the Companions to make prostrations when they received good tidings." Abu Bakr ((God be pleased with him)) made this prostration when he was informed of the murder of Musailamah. Umar ((God be pleased with him)) prostrated when Yarmuk was conquered. The Prophet ((God bless him and give him peace)) also prostrated several times on such occasions.[1]

كيفيتها

How It Is Performed

وهيئتها : مثل سجدة التلاوة

The prostration of gratitude is performed similarly to that of the recital prostration along with its conditions that are the same as prayer, such as purity.

فائدة مهمة لدفع كل مهمة

A Vital Benefit That Prevents (Repels) Calamities

قال الإمام النسفي في الكافي : من قرأ آيَ السجدةِ كلها في مجلس واحد وسجد لكل منها كفاه الله ما أهمه

Imam an-Nasafy states in his book *Al-Kaafy*: Whoever recites in the same sitting all of the prostration verses with the intention of reciting all of them, and makes one prostration for each of the recitations, Allah will save him from whatever he is troubled with [from the matters pertaining to this life and the hereafter, and many scholars are of this view].

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[1] Abu Dawud 2769.

باب صلاة الجمعة

The Friday Prayer

شروط افتراض الجمعة

Conditions That Obligate The Friday Prayer

صلاة الجمعة فرض عين على من اجتمع فيه سبعة شرائط

The Friday prayer is individually obligatory upon one who satisfies seven conditions. It is established in the Quran, Sunna, and Consensus of the scholars (*ijma'*). The one who rejects it is a non-believer. The Prophet ((God bless him and give him peace)) said ((Bear in mind that Allah has made compulsory for you the Friday prayer at this place of mine, on this day of mine and during this month of mine and in this year of mine, until the Day of Resurrection. He who abandons it during my lifetime or after, while he has a just or tyrant ruler, making little of it (the prayer) or denying it, Allah will not unite his gathering, nor will He bless his affairs. Be aware that his prayer will not be valid nor will his zakat or hajj; nor will his fasting nor his virtues be accepted as long as he does not repent. So he who repents, Allah will restore for him His grace (and forgive him)).[1]

شروط وجوب الجمعة

Conditions That Render The Friday Prayer Obligatory

الذكورة والحرية

1- **One must be male** (therefore excluding females) **and** 2- **Freedom** (therefore excludes slaves).

والإقامة بمصر أو فيما هو داخل في حد الإقامة بها في الأصح

3- **One is to be a resident in a city or in a place where one is regarded as a resident of the city,** such as living in the courtyard that is adjacent to the city. **This is the correct view.** This is the place that if one crossed with the intention of travel, he would be deemed a traveller; and if one reached this point after returning from travelling, he would be deemed a resident. Therefore, if one is a resident of a small town outside the city, Friday prayer is not compulsory on him. The Prophet ((God bless him and give him peace)) said [There is no Friday (prayer), nor the prayer of Eid al-Fitr or Eid al-Adha except in a city or large town].[2] The Prophet ((God bless him and give him peace)) also said [The right of the Friday prayer is upon all Muslims except four: the possessed, the female, a boy and the sick] and in another place in al-Bayhaqi, it states [and with the exception of the boy, the

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[1] Ibn Majah 1081.

[2] Al-Baihaqi 3/179, Sunan al-Kubrah.

possessed and the traveller].[1] Hence, a person living in a small village outside the city is not obligated to attend the Friday prayer, but the person living within the city or a place where he is regarded as being a resident of the city, is duty bound to attend.[2]

والصحة

4- **To be of sound health,** and free from illness. The Prophet ((God bless him and give him peace)) said [The Friday prayer in congregation is a necessary duty on every Muslim, with four exceptions; a slave, a woman, a boy and a sick person].[3] Friday prayer is not obligatory on the traveller, though if he hears the call, it is preferred that he attend.

والأمنُ من ظالم

5- **Safety from an oppressor** is the fifth condition. The Friday assembly prayer is not necessary upon one who fears an oppressor.

وسلامة العينين

6- **One's eyes must be sound,** i.e. to possess the ability of reliable sight. Friday prayer is not obligatory upon a blind person, according to Abu Hanifa. Though this is contrary to Imams Muhammad and Abu Yusuf who said, "If he can find someone to take him, then he is required to attend."[4]

وسلامة الرجلين

7- **Soundness of one's legs,** i.e. one must have the ability to walk. Friday prayer is not compulsory on one who is crippled and this is agreed upon in the Madhhab.[5]

شروط صحة الجمعة

Conditions That Validate Friday Prayer

ويشترط لصحتها ستة أشياء

There are six conditions that validate Friday prayer;

المصر أو فِناؤه

1- **It is to take place in the city or in its courtyard,** such as an area used for the benefit of the people like a park. The performance of the Friday prayer is valid in many places within the city.

والسلطانُ أو نائبه

2- It is conditional **that the prayer be conducted by the sultan** as imam, **or his deputy.**

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[1] Al-Baihaqi 3/183, Sunan al-Kubrah.

[2] Maraky al-Falah 296.

[3] Abu Dawud 1062.

[4] Maraky al-Falah 296.

[5] Maraky al-Falah 296.

ووقت الظهر، فلا تصح قبله وتبطل بخروجه

3- **It must take place at the time of *dhuhr*.** Anas Ibn Malik said: The Apostle of Allah ((God bless him and give him peace)) used to offer the Friday prayer when the sun declined.[1] According to Abu Hanifa, Malik and Shafi'i, the time for Friday prayer is after the sun passes the meridian. It is not lawful before it. **It is not valid before the entry of the *dhuhr* time and neither after the *dhuhr* time ends,** which means if one is praying the Friday prayer and the *'asr* time enters, the prayer is nullified.

والخطبة قبلها بقصدها في وقتها

4- **The sermon must be before the Friday prayer for the purpose of the Friday prayer,[2] and the sermon is to be delivered in its time.** If the imam gives the sermon before its time, it is not valid.

وحضور أحد لسماعها ممن تنعقد بهم الجمعة ولو واحدا في الصحيح

From those who are obliged to attend the Friday assembly prayer, there must be at least one person from amongst them who is able to hear the speech of the imam, even if it is only one person, and this is the correct view. This is regardless if he is mute, asleep, or whether he is a slave, ill or a traveller, even if he is in major impurity and then after the speech performs the major bath, there must be at least one individual who has the ability to hear the speech.

والإذن العام

5- **General consent** from the leader is conditional. Indeed, this is from the signs of Islam and something specific to the religion. If for example, an imam closed the doors of his castle or the place in which he and his companions pray, then (the Friday prayer) is not permitted. However, if he permits the people to enter, it is valid.[3]

والجماعة وهم ثلاثة رجال غير الإمام، ولو كانوا عبيدا أو مسافرين أو مرضى، والشرط بقاؤهم مع الإمام حتى

يسجد، فإن نفروا بعد سجوده أتمها وحده جمعة، وإن نفروا قبل سجوده بطلت

6- **There must be a group present. This is achieved with three men besides the imam, even if the men are slaves, travellers or are all suffering from an illness. It is also a condition that they remain with the imam until he performs the first prostration, and if they leave the prayer after this, the imam is to complete the Friday prayer. Though if they leave the prayer before this** (i.e. before the first prostration) **the prayer is nullified.** And even if only one person leaves before the

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[1] Abu Dawud 1079.

[2] This means that the imam must deliver a sermon which is intended for the Friday assembly prayer. Therefore, if the Imam sneezes and utters the words *"al-Hamdulillah"* due to sneezing, it does not serve as a substitute for the sermon; because these words were not intended for the Friday prayer, rather, they were for sneezing; and for this reason, the objective of the sermon must be for the Friday prayer. [Maraky al-Falah 297].

[3] Maraky al-Falah 298.

first prostration and two remain, the prayer is nullified as held by Abu Hanifa, whereas Imam Muhammad and Imam Abu Yusuf stated that the three men are required only for the opening Allahu akbar.

ولا تصح بامرأة أو صبي مع رجلين

The Friday prayer is not valid with a female or boy included with two men; three men are required since women, and boys do not satisfy the conditions that obligate the Friday prayer.

وجاز للعبد والمريض أن يؤم فيها

It is permitted for a slave, ill person or traveller **to lead the Friday prayer** as the imam, if he has permission from the leader.

والمصر كل موضع له مفت وأمير وقاض ينفذ الأحكام ويقيم الحدود ، وبلغت أبنيته ابنية منى في ظاهر الرواية

A comprehensive city, according to Abu Hanifa is a place that has a *mufti, leader, and a judge* who implements the law and establishes the *hudud (penalties)*. In addition, the number of buildings must be equal to the number of buildings in Mina according to the most evident view. Imam Qadikhan held that this view has consensus.

وإذا كان القاضي أو الأمير مفتيا أغنى عن التعداد

In the event that the judge or leader is a mufti, then either one is sufficient for all three roles; i.e. the judge who is a mufti can assume the role of a judge, mufti and leader. This implies that having one of these persons in an area would render it as a city provided the buildings amounted to that of Mina.

وجازت الجمعة بمنى في الموسم للخليفة أو أمير الحجاز

The Friday prayer is permitted in Mina during the days of hajj provided it is conducted by the *khalifa* or the *leader* of the Hijaz area.

الخطبة وسننها

The Sermon And Its Sunan

وصح الاقتصار في الخطبة على نحو تسبيحة أو تحميدة مع الكراهة

If the imam limits the Friday sermon to that of an invocation, such as one tasbih *(Glory be to Allah – Subhan Allah)* **or one tahmid** *(All praise be to Allah – Al Hamdulillah)*, **it is valid, though is disliked** because the sunna has not been fulfilled. Imams Muhammad and Abu Yusuf said; that the sermon must be at least as long as a lengthy remembrance, long enough to be identified as a sermon [which is at least as long as the tashahhud.[1] Imam Shafi'i maintained that it is not permitted unless he delivers two sermons that conform to practice. He used as his basis, the words of Allah [Hasten earnestly to the remembrance of Allah].[2]

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[1] Maraky al-Falah 299.

[2] Quran, 62-69.

وسنن الخطبة ثمانية عشر شيئا

The Friday sermon consists of eighteen sunan;

الطهارة وستر العورة والجلوس على المنبر قبل الشروع في الخطبة والأذان بين يديه كالإقامة (بعد الخطبة)

1- **To be in a state of purification** when delivering the sermon is sunna. It is only deemed sunna and not obligatory because the sermon is not the prayer.

2- **Clothing one's nakedness during the sermon.**

3- **To sit upon the pulpit before commencing the sermon.**

4- **It is sunna to call the *adhan* in front of the pulpit, just like the iqama is made in front of the pulpit after the sermon.**

ثم قيامه والسيف بيساره متكئا عليه في كل بلدةٍ فتحت عنوة ، وبدونه في بلدة فتحت صلحا

5- After the adhan, **the imam stands to deliver the sermon leaning on a sword in his left hand, which is the method observed in all countries that were conquered by force. Though if the country was taken or occupied peacefully, then the imam does not adopt the sword.** The wisdom of the sword is to show the people in what way the nation was overcome, and that if the people denounce their Islam, then that land remains in the hands of the Muslims, in which they may resume fighting. However, the Madina of the Prophet ((God bless him and give him peace)) was opened with the Quran, and as a result the sermon is given without the sword.[1]

واستقبال القوم بوجهه

6- **Facing the people** is sunna as the Prophet ((God bless him and give him peace)) performed with his Companions during sermon.

وبداءته بحمد الله والثناء عليه بما هو أهله

7- It is sunna **to begin the sermon with praising Allah** *(al-Hamdulillah),* **followed by glorification which is befitting for God.**

والشهادتان

8- It is sunna **to declare the two testimonies of faith** [*shahadatayn*].

والصلاة على سيدنا النبي صلى الله عليه سلم

9- This is followed by **sending blessings upon our holy Prophet** ((God bless him and give him peace)) which is sunna.

والعظة والتذكير

10/11- It is sunna to **advise the people** about abstaining from disobedience to Allah or to frighten the people about the punishments of the hereafter, **and remind them about their duties to Allah** and dealings with others etc...

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[1] Maraky al-Falah 300.

وقراءة آية من القرآن

12- To recite a verse from the Holy Quran is sunna. It is reported that the Prophet ((God bless him and give him peace)) recited Quran in his sermon {and fear the Day when you shall be brought back to Allah}.[1] The majority of scholars hold that the imam is to seek refuge with Allah from Satan the rejected before recitation. However, he is not to say the tasmiyya [*bismilahi ar-Rahmani ar-Rahim*] unless he is going to recite the whole surah, in which case he is to say it as well.[2]

وخطبتان

13- Conducting two sermons is sunna for the reason that it has been the occurrence from the Prophet's time until now ((God bless him and give him peace)).

والجلوس بين الخطبتين

14- It is sunna for the imam to sit for a moment between the two sermons to the extent of three verses of Quran.

وإعادة الحمد والثناء والصلاة على سيدنا النبي صلى الله عليه وسلم في ابتداء الخطبة الثانية

15- To repeat the praises and glorifications of God including the blessings upon the Prophet at the beginning of the second sermon.

والدعاء فيها للمؤمنين بالاستغفار لهم

16- In the second sermon, it is sunna for the imam to make supplications of forgiveness for the believing men and women.

وأن يسمع القوم الخطبة

17- It is sunna for the people to listen to the sermon. It is sufficient if one attempts to listen but is unable due to a long distance or another cause. Should one be unable to hear the sermon, it suffices though silence is required.

و تخفيف الخطبتين بقدر سورة من طوال المفصل

18- It is sunna to curtail the duration of the two sermons equivalent to the recitation of a surah from the long part of the mufassal section which is any surah from surah al-Hujurat to surah al-Buruj.

ويكره التطويل وترك شيء من السنن

It is disliked to lengthen the sermons or to abandon one of its *suna*.

[1] Al-Baqarah 281.

[2] Maraky al-Falah 300.

متى يجب السعي للجمعة

When Is One Required To Attend The Friday Prayer

ويجب (يعني يفترض) السعي للجمعة وترك البيع بالأذان الأول في الأصح

It is obligatory to proceed towards the Friday prayer in a tranquil state **and leave buying and selling when the first adhan is called.** Note: the author used the Arabic word *sa'iy,* which means to hasten in order to correspond with the words of Allah [When the call to prayer is proclaimed on Friday, hasten earnestly to the remembrance of Allah and leave off business and trade]. Though what he intended, is to proceed to the Friday prayer walking in a tranquil state due to words of the Prophet ((God bless him and give him peace)) who said [If the prayer has been announced, do not come to it hastily, but rather come whilst you are walking tranquilly].[1]

Branches

وإذا خرج الإمام فلا صلاة ولا كلام حتى يفرغ من صلاته

When the imam emerges usually from the room near the pulpit, in order to deliver the sermon, **there is no more prayer and no talking until the imam completes the Friday prayer.** This is the saying of Abu Hanifa as the Prophet ((God bless him and give him peace)) said [Even saying to your companion '*listen*' while the imam is giving the sermon on Friday is to speak foolishly].[2] Though Imams Muhammad and Abu Yusuf said, "There is no harm if one talks when the imam emerges provided one ceases before the imam speaks." And if the imam orders the blessing upon the Prophet ((God bless him and give him peace)), then one may utter it silently. By doing so, one will attain two merits; one for listening to the sermon and the other for sending blessing upon the Prophet. Likewise, if one sneezes, he is to praise Allah within himself. Indeed, the implemented and relied upon ruling in the Hanafi school is that speaking is prohibited (whether one is distant from the imam or close to him); for the reality is that the person distant from the imam takes the same ruling as the one close to him. One is therefore to listen and remain silent.[3]

وكره لحاضر الخطبة : الأكل والشرب والعبث والالتفات

Eating, drinking, fidgeting with an object or something similar **as well as looking around is disliked for the one attending the Friday sermon.** One should observe what he observes in prayer and refrain from what he refrains from in prayer.

ولا يرد سلاما ولا يشمت عاطسا

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[1] Bukhari 908, Muslim 1249.

[2] Muwattah of Imam Malik 6.

[3] Maraky al-Falah 302.

When the imam emerges, one is **not to return the greeting of *salam* or to reply to one who sneezes,** because one cannot engage in something else other than the listening to the imam and this applies when the imam appears to conduct the Friday sermon. Abu Hanifa disliked the response to a person who sneezes and the returning of salam to others when the imam emerges.[1]

ولا يسلم الخطيب على القوم إذا استوى على المنبر

The imam is not to give salam to the people when he arrives at his point on the pulpit because if he does so, he will compel the people to that which is unlawful; namely speech.[2]

وكره الخروج من المصر بعد النداء ما لم يصل

It is disliked for someone who is obliged to pray the Friday prayer, **to leave the city after hearing its call and not having prayed it.**

ومن لا جمعة عليه إن أداها جاز عن فرض الوقت

If a person who is not obliged to pray the Friday prayer attends it anyway, such as a traveller, **then it is credited for him as the obligation he had to perform in that time,** namely the *dhuhr*. Meaning, since one is not obliged to attend the Friday prayer due to a valid reason, he must still perform the *dhuhr* prayer in that time. However, if he attends the Friday prayer, it is credited for him as the obligation required in that time.

ومن لا عذر له لو صلى الظهر قبلها حرم ، فإن سعى إليها والإمام فيها بطل ظهره ، وإن لم يدركها

If a person prays the *dhuhr* prayer before the Friday prayer without an excuse, it is unlawful, though his *dhuhr* prayer is considered to have been formed if he does so. **Afterwards, if** (he decides to attend the Friday congregation and) **he moves towards it and finds the imam performing it, then his *dhuhr* is nullified even if he does not catch the imam in the Friday prayer.** The reason is that the mere making of an effort towards it renders his *dhuhr* void. However, Imam Muhammad and Abu Yusuf held that it is not nullified until he joins the prayer with the imam.

وكره للمعذور والمسجون أداء الظهر بجماعة في المصر يومها

It is disliked for those who are excused from the Friday prayer (such as a traveller or sick person) **as well as prisoners, to perform the *dhuhr* prayer in congregation in a city on Friday.** It is also disliked for the one excused from the Friday prayer to offer the dhuhr prayer alone in the city prior to the people performing the Friday prayer. It is recommended for the excused persons to delay the dhuhr prayer until after the Friday prayer has concluded and to offer the dhuhr prayer alone.[3] The basis for this is the following: i) city locations on Friday are designated for the Friday assembly prayer. According to the Hanafi school, the Friday prayer is to be observed in a comprehensive city and not in small villages outside the city. This

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[1] Maraky al-Falah 302.

[2] Maraky al-Falah 303

[3] Nur al-Idah 166.

being the case, it is not disliked for residents of small villages outside the city to call adhan for the dhuhr and perform it in a group, because for them – it is the obligation of that time, ii) if those regarded as excused from the Friday prayer offer the dhuhr prayer as a group, it will interfere with the Friday assembly prayer and cause confusion amongst others who may believe it to be the Friday prayer.[1]

ومن أدركها في التشهد أو سجود السهو أتم جمعة

If a person joins the Friday assembly prayer when the imam is in the final tashahhud, or making the prostrations of forgetfulness, then he is to complete the remainder of his prayer as the Friday assembly prayer according to Imams Abu Hanifa and Abu Yusuf. The Prophet ((God bless him and give him peace)) said [Make up what you have missed].[2] Imam Muhammad, Malik and Shafi'i held, that if a person fails to join the congregation in the second rak'ah of the Friday prayer before the imam raises his head from bowing, then the person must continue the prayer as the *dhuhr* prayer, which is four rak'ahs, not two. However, the fatwa is with Abu Hanifa. And Allah knows best.

[1] Maraky al-Falah 303.
[2] Ahmad 2/238.

باب صلاة العيدين

The Eid Prayer [1]

حكم صلاة العيدين، وشروط وجوبها

Its Ruling And Conditions That Render It Wajib

صلاة العيدين واجبة في الأصح على من تجب عليه الجمعة بشرائطها سوى الخطبة ، فتصح بدونها مع الإساءة

The prayer of both Eids is *wajib* upon any person who is obliged to perform the Friday assembly prayer. This ruling has been established on the basis of the Prophet's diligence in performing the Eid prayers and because it has been established that the Prophet ((God bless him and give him peace)) performed it from the time it became law until he died without neglecting its performance. The khulafa ar-Rashidin ((God be pleased with them)) also observed this as well as all the jurists. And this is the basis for its necessitation.[2] **The conditions for the Eid prayer are the same as the Friday prayer with the exception of the sermon, for the Eid prayer is valid without the sermon, though it is a minor offence to omit it** because one has neglected a sunna. Note: the reason the Eid prayer is valid without the sermon is because it is delayed until after the prayer, which therefore excludes it as a condition, rendering it a sunna. Additionally, it is not a stipulation for the Eid prayer to consist of a group of three excluding the imam as is the case in the Friday prayer. Verily, it is valid if there is one person with the imam.[3]

كما لو قدمت الخطبة على صلاة العيدين

Likewise, it is an offence to advance the sermon of Eid before the prayer, for this is contrary to the sunna of the Prophet ((God bless him and give him peace)).

ما يندب فعله يوم عيد الفطر

Recommendations On Eid Al-Fitr

وندب في الفطر ثلاثة عشر شيئا

There are thirteen recommendations on the day of Eid al-Fitr

أن يأكل وأن يكون المأكول تمرا ووترا

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[1] A narration in Abu Dawud states that Anas related: "When the Prophet entered Madina, they had two days in which they would play. The Prophet inquired, 'What are these two days?' They said, 'We would play during these two days in the days of ignorance.' The Prophet said, 'Indeed, Allah has replaced for you these days with something better. They are the Day of Adha and the Day of Fitr.'"[Abu Dawud 1134].

[2] Maraky al-Falah 305.

[3] Nur al-Idah 166.

It is recommended to eat an odd number of dates before going to the mosque. Anas ((God be pleased with him)) reported that the Prophet (God bless him and give him peace) would not depart for the Eid al-Fitr until he ate a date and he would eat them in odd (numbers).[1] However, there is no sin if one does not eat before the prayer, although if one does not eat in that day, there is blame on his part.[2]

ويغتسل ويستاك ويتطيب ويلبس أحسن ثيابه

It is recommended to perform the purification bath *(ghusl)*, brush the teeth *(siwak)*, to use perfume and to wear the best clothes one has. Ibn Abbas reported that the Prophet ((God bless him and give him peace)) used to take a bath on the day of Eid al-Fitr and on the day of Eid al-Adha.[3] Also, it is recommended to brush the teeth in all prayers and is encouraged on special occasions. The Prophet ((God bless him and give him peace)) on the day of Eid would perfume himself.[4]

ويوديَ صدقة الفطر، إن وجبت عليه

It is recommended for a person who is required to pay the sadaqah al-Fitr, to give it before the prayer, for the reason that the Prophet ((God bless him and give him peace)) ordered a person to perform this before the people departed for prayer.[5]

ويظهر الفرح والبشاشة

It is recommended for one to **exhibit and display happiness and joy** in gratitude of the blessings Allah has bestowed upon us, and so this joy may affect others.

وكثرة الصدقة حسب طاقته

It is recommended **to give extra sadaqah, depending on one's capacity.** Note: if one does not possess extra funds, then he is to give only what is required.

والتبكير وهو سرعة الانتباه

It is recommended **to be awake early** at the earliest period in order for one to worship in a state of vivacity.

والابتكار وهو المسارعة إلى المصلى

It is recommended **to arrive early at the place of prayer** in order for one to acquire the maximum rewards and benefits, such as being in the first line.

وصلاة الصبح في مسجد حيه ، ثم يتوجه إلى المصلى ماشيا ، مكبرا سرا ، ويقطعه إذا انتهى إلى المصلى في رواية وفي

رواية أخرى إذا افتتح الصلاة

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[1] Bukhari 953.
[2] Maraky al-Falah 305.
[3] Ibn Majah 1315.
[4] Al-Mustadrak 3/256.
[5] Bukhari and Muslim.

It is recommended to **perform the dawn prayer in the local mosque** in order to fulfil its right, **and then to proceed towards the area of the Eid prayer walking and uttering the *takbir* silently.** The Prophet ((God bless him and give him peace)) used to go for Eid prayer walking on foot.[1] And Ali ((God be pleased with him)) is reported to have said [It is a sunna to go on foot to the Eid prayer].[2] The Prophet ((God bless him and give him peace)) said [The best remembrance is the one performed silently].[3] **And upon reaching the destination of prayer, one is to stop uttering the *takbir* according to one narration. Though according to another narration, one is to cease the *takbir* when the Eid prayer begins.**

و يرجع من طريق آخر

One is to return from the mosque via a different road. This is the recommended practice. The Prophet ((God bless him and give him peace)) went out by one road on the day of Eid and returned by another.[4] One reason for this is that both roads will bear witness on the Day of Judgement.

ويكره التنفل قبل صلاة العيد في المصلى والبيت

It is disliked to offer voluntary prayer at the prayer-site of Eid prior to the Eid prayer, a position that is agreed upon; **and it is disliked at home *before* the Eid prayer** according to the majority of Hanafi scholars. Ibn Abbas ((God be pleased with him)) is reported to have said that Allah's Messenger went out and led the people in the Eid prayer observing no prayer before it or after it.[5]

وبعدها في المصلى فقط ، على اختيار الجمهور

It is disliked to offer voluntary prayer at the prayer-site *after* the Eid prayer, this applies only to the prayer-site of Eid, **and this is the preferred view according to the majority of the scholars,** due to the saying of Abu Sa'id al-Khudri ((God be pleased with him)) who reported that Allah's Messenger ((God bless him and give him peace)) did not offer prayer before the Eid prayer. As he returned to his house, he would perform two rak'ahs.[6] It is therefore not disliked to perform voluntary prayer at home after the Eid prayer in accordance with the hadith.[7]

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[1] Ibn Majah 1297

[2] Ibn Majah 1296.

[3] Ahmad 1/172

[4] Abu Dawud 1152

[5] Bukhari, Muslim and Ibn Majah 1291

[6] Ibn Majah 1293.

[7] Maraky al-Falah 307.

وقت صلاة العيد

The Time Of The Eid Prayer

وقت صحة صلاة العيد : من ارتفاع الشمس قدر رمح أو رمحين إلى زوالها

The valid time to perform the Eid prayer is when the sun has risen above the horizon the height of a spears length or two, and ends at (just prior to) **noon.**

كيفية صلاة العيد

How To Perform The Eid Prayer

وكيفية صلاتها : أن ينوي صلاة العيد

One is to intend the prayer of Eid within himself, and is also required to intend being linked with his imam as mentioned in the *Conditions Of Prayer*. The imam is to utter his intention of leading the prayer.[1]

ثم يكبر للتحريمة ثم يقرأ الثناء

Then the opening Allahu akbar is given, after which the imam and follower recite the opening glorification [*thana*].

ثم يكبر تكبيرات الزوائد ثلاثا يرفع يديه في كل منها

The additional *takbirs* are then performed by the imam and followers, **and they are three *takbirs* for which the hands are raised for each one of them,** and this is the way of Ibn Mas'ud. Note: They are called the additional *takbirs* as they are additional to the opening *takbir* and it is sunna to remain silent between each *takbir* the time equivalent to three *takbirs*.

ثم يتعوذ ثم يسمي سرا ثم يقرأ الفاتحة ثم سورة ، وندب أن تكون سبح اسم ربك الأعلى ثم يركع

After this, the imam **is to seek refuge with Allah** from Satan the cursed for recitation **and then silently say, *"In the name of Allah, Most Merciful, Most Gracious."* He then recites the Fatiha along with another surah preferably being *"Sabi Hisma Rabbikal A'lah"*** reciting the whole surah. **Following this, he is to proceed into the bowing posture** with the people.

فإذا قام للثانية ابتدأ بالبسملة ثم بالفاتحة ثم بالسورة ، وندب أن تكون سورة الغاشية

When the imam rises for the second rak'ah, he is to begin with the *basmala*,[2] then the Fatiha, followed by a surah; and it is recommended that the surah be *al-Ghashiya* according to Abu Hanifa. The Prophet ((God bless him and give him peace)) would read in the two Eids and Friday prayer, *Sabi Hisma Rabbikal A'lah* and *Hal-ataka hadithul Ghashiya*.[3]

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[1] Maraky al-Falah 307.

[2] That is, "In the name of Allah, Most Merciful, Most Compassionate".

[3] Abu Hanifa's Musnad 142

ثم يكبر تكبيرات الزوائد ثلاثا ويرفع يديه فيها كما في الأولى ، وهذا أولى من تقديم تكبيرات الزوائد في الركعة الثانية على القراءة

After this, (the imam and the people are) **to pronounce the additional *takbirs* three times raising the hands for each one as was done in the first rak'ah; and this method is superior to advancing the additional *takbirs* before the recitation,** since it was the practice of Ibn Mas'ud and many of the Companions agreed with his saying ((God be pleased with them all)).[1]

فإن قدم التكبيرات على القراءة فيها جاز، ثم يخطب الإمام بعد الصلاة خطبتين يعلم فيهما أحكام صدقة الفطر

If however, the imam advances the additional *takbirs* in the second rak'ah **before the recitation, it is permitted. And on completion of the prayer, the imam is to conduct two sermons during which he is to teach the people the laws pertaining to sadaqah al-Fitr** as the Prophet did ((God bless him and give him peace)) because the sermon was sanctioned in order to teach people the laws pertaining to sadaqah al-Fitr.[2]

حكم فوات صلاة الفطر، وتأخيرها

The Ruling Of Missing The Prayer Of Eid Al-Fitr And Delaying It

ومن فاتته الصلاة مع الإمام لا يقضيها

One cannot make up the prayer of Eid al-Fitr if it is missed in congregation with the imam, because the conditions of the prayer are incomplete without him.

وتؤخر بعذر إلى الغد فقط

If there is a reason that the Eid prayer cannot be performed on the proper day, **then it may be delayed and performed on the following day only.** For example, if the moon is veiled or is witnessed after the sun had passed its peak, then it is permitted the following day only. Another reason could be that the Eid prayer was performed when it was cloudy after which it became known that the *dhuhr* time had entered which meant the Eid prayer was performed in a non-permissible time.

أحكام الأضحى، وما تفارق فيه الفطر

The Rules Of Eid Al-Adha And Its Variation To Eid Al-Fitr

وأحكام الأضحى كالفطر لكنه في الأضحى يؤخر الأكل عن الصلاة ويكبر في الطريق جهرا ويعلم الأضحية و(يعلم) تكبير التشريق في الخطبة

[1] Maraky al-Falah 308.

[2] Maraky al-Falah 309.

The rules of *Eid al-Adha* are the same as *Eid al-Fitr*, with the exception that for *Eid al-Adha* one is to delay eating until after the prayer, for the reason that it is the recommended practice based on the report that The Prophet would not eat on the day of Eid al-Adha until he returned upon which he ate from his sacrifice.[1] However, if one does eat before the prayer, it is not disliked. **Other differences are: that on the day of *Eid al-Adha* one is to utter the *takbir* aloud in the street** when leaving to the prayer-site **and in the sermon of *Eid al-Adha* the imam is to teach the people about the sacrifice**, namely the slaughtering and who is required to sacrifice and the time of sacrifice and the judgment of eating etc, **and he also informs them about the takbir of *tashriq* during the sermon** for the reason that the sermon was sanctioned for this instruction.

In addition, the 11th, 12th and 13th of Dhul-Hijjah are known as the days of *tashriq* in which the meat of the sacrifice was dried in the sun, in order to preserve it. And the days of nahr (Sacrifice) are the 10th, 11th and 12th. However, the 10th is specifically known as the day of nahr and the 13th is specifically known as the day of *tashriq*. The 11th and 12th are known as both the days of nahr and tashriq. Moreover, the takbir of *tashriq* is the takbir that is said after the prayers beginning from the *fajr* on the 9th up to the end of the days of tashriq.

وتؤخر بعذر إلى ثلاثة أيام

The prayer of Eid al-Adha may also be delayed for three days with a valid excuse, on the basis that these three days are the days of sacrifice. The prayer is valid between the rising of the sun (a spears length or two) until just before mid-day for three days. The prayer cannot be performed after this time.

والتعريف ليس بشيء

If one tries to emulate those who are standing on Arafah, then it is not regarded as anything. Indeed, such an act is unlawfully disliked [*makruh tahrim*] because it is an innovation in religion and is offensive. Verily, the standing is an obligation in a specified place, just as *tawaf* is a pious act in a specified place. It is therefore unlawful to make *tawaf* around any mosque or any house excluding the ka'bah imitating those at hajj. Our scholars held that whoever makes *tawaf* of a mosque excluding the ka'bah, then disbelief [*kufr*] is feared for that person. The same applies to one who stands in a place resembling those who stand at Arafat.[2]

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1 Al-Baihaqi 3/283 and Ahmad 5/352.

2 Nur al-Idah 169.

حكم تكبير التشريق ومدته وعلى من تجب

__The Ruling Of The Takbirs Of Tashriq,__
__And Upon Whom It Is Wajib__

ويجب تكبير التشريق من بعد فجر عرفة ، إلى عصر العيد مرة فور كل فرض أدي بجماعة متسحبة ، على

إمام مقيم بمصر وعلى من اقتدى به ولو كان مسافرا أو رقيقا أو أنثى عند الإمام أبي حنيفة رحمه الله

It is *wajib* to commence the takbir of tashriq after the dawn on the day of Arafah (9th Dhul Hijjah) **and is to be ended after the *'asr* prayer on the day of Eid al-Adha** (10th Dhul Hijjah). **It is to be pronounced once, *straight after every __obligatory__ prayer* which is performed in a recommended group prayer.**[1] **And the takbir is *wajib* upon the imam who resides in the city and his followers even if they are travellers, slaves or females according to Abu Hanifa.** However, the women are not to pronounce the takbir aloud as this may lead to fitna (temptation).

Based on this view, it is not required of the one who prays alone, a traveller or those who reside in villages outside the city. Equally, it is not required after voluntary prayer, witr or janaza. With regard to the takbir being wajib upon a group, the basis is the saying of Ibn Mas'ud (God be pleased with him) who said, "The takbir in the days of tashriq is not upon one or two persons. The takbirs are upon those who have prayed in a group."[2] Also, the reason the utterance of the takbirs has been judged as wajib is because Allah said [Remember Allah during the appointed days].[3] Furthermore, Shafi'i maintains that the takbir is an emphasised sunna [*sunna mu'akkada*] and that it is not a requirement that the takbir be joined to the finishing salam of prayer.[4]

وقالا : تجب فور كل فرض على من صلاه ، ولو منفردا أو مسافرا أو قرويا ، إلى عصر الخامس من يوم

عرفة ، وبه يعمل وعليه الفتوى

Imam Muhammad and Abu Yusuf said that the takbir is *wajib* straight after every obligatory prayer upon anyone who prays the obligatory prayer, even if one prays it alone, is a traveller, or resides in a small village. They maintained that this is *wajib* until (after) the *'asr* prayer of the fifth day starting from the day of Arafah. And this is the adopted practice and the fatwa issued is in accordance with this.

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1 Note: this therefore excludes the female group prayer. That is, if a group of woman perform the obligatory prayer amongst themselves (electing one of the females to lead them), then this does not necessitate the takbir. However, if women performed the prayer being led by a male imam, then they are to utter the takbir silently and not audibly. As for the imam and those with him, they are required to utter it loudly. Moreover, it is necessary to join the takbir to the finishing salam of prayer.

2 Tabarani 12/268.

3 Quran 2:203.

4 Al-Fiqh al-Islamy, Ibrahim as-Salkini 352.

This means that it begins after the *fajr* prayer on the day of Arafah (9th) and ends after the *'asr* on the final day of tashriq (13th) according to Muhammad and Abu Yusuf. Note: This is precautionary, because to perform something that is not required is better than to leave the command of remembering Allah during the days which are known (*ma'lumat*) and those which are appointed (*ma'dudat*). Allah said in surah Hajj, verse 22 [Remember Allah during the known days] and in surah al-Baqarah, verse 203 [Remember Allah during the appointed days]. It is maintained that the appointed days are the days of tashriq and that the known days are the first ten days of the month of *dhil hijjah*. There is another view that holds that the known days are the days of *nahr* and the appointed days are the days of *tashriq*.[1]

The issue is a matter of disagreement among the Companions. The two jurists relied on the statements of Ali (God be pleased with Him) adopting the maximum as that is the precaution taken in matters of worship. Abu Hanifa relied on the statement of Ibn Mas'ud adopting the minimum as pronouncing the takbir aloud is an innovation.

ولا بأس بالتكبير عقب صلاة العيدين

There is no harm in reciting the takbir after the prayer of both Eids.

والتكبير أن يقول : الله أكبر الله أكبر لا إله إلا الله والله أكبر الله أكبر ولله الحمد

The takbir is; Allah is the Greatest. Allah is the Greatest. There is none worthy of worship except Allah. Allah is the Greatest. Allah is the Greatest. All Praise be to Allah.

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[1] Maraky al-Falah 312.

باب صلاة الكسوف والخسوف والأفزاع

The Prayer Of The Solar And Lunar Eclipse And The Fear Prayer

The term kusuf refers to a solar eclipse whilst the term khusuf refers to a lunar eclipse. Also, the meaning of the term 'fear' in the fear prayer refers to that which brings about dread in a person, such as an earthquake, strong wind or darkness in the daytime.

سن ركعتان كهيئة النفل للكسوف بإمام الجمعة أو مأمور السلطان بلا أذان ولا إقامة ولا جهر ولا خطبة ، بل

ينادى : الصلاة جامعة

It is sunna to pray two rak'ahs when the *sun* is eclipsed,[1] **in the same manner that one performs voluntary prayer. The imam of the Friday prayer or the sultan's deputy is to lead the prayer.** *If not, no group prayer is to be observed.*[2] **The prayer is offered without adhan or iqama and without audible recitation of Quran, and no sermon is delivered, but rather one calls "The prayer is gathering."** Qabisah al-Hilaali reported that there was an eclipse of the sun in the time of the Prophet (God bless him and give him peace). He came out bewildered pulling his garment, and I was in his company at Madina. He prayed two rak'ahs and stood for a long time in them. He then departed and the sun became bright. He then said, "There are signs by means of which Allah, the Exalted, produces dread in his servants. When you see anything of this nature, pray as though you are praying a fresh obligatory prayer."[3]

وسن تطويلهما

It is sunna to lengthen the prayer, such as to read surah al-Baqarah.

وتطويل ركوعهما وسجودهما ثم يدعو الإمام جالسا مستقبل القبلة إن شاء أو قائما مستقبل الناس وهو أحسن ،

ويؤمنون على دعائه حتى يكمل انجلاء الشمس (الخسوف والفزع وما إليهما)

It is sunna to **lengthen the duration of bowing and prostration in both rak'ahs, after which the imam is to supplicate to Allah while sitting and facing the qibla, or if he wishes, he may supplicate standing facing the people, and this is superior.** One should not be upon the pulpit supplicating to Allah. **The people are to say, "*Amin*" to the supplication** and this is to be maintained **until the sun brightens or appears.** Abu Dawud reported that he Prophet ((God bless him and give him peace)) stepped forward for a long time as much as he could do so in the prayer. But we did not hear his voice. He then performed a bow and prolonged it as much as he could do in the prayer. But we did not hear his voice. He then prostrated himself with us and prolonged it which he never did in prayer before. But we did

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[1] That is, for a solar eclipse [*kusuf*].

[2] The reason the prayer is to be conducted by the imam of the Friday prayer is to prevent dispute which may arise between the people.

[3] Abu Dawud 1181.

not hear his voice. He then did similarly in the second rak'ah. Then he uttered the salutation, he stood up, praised Allah and Exalted Him, and testified that there is no god but Allah and testified that he is His servant and Apostle.[1] This tradition indicates that the Prophet ((God bless him and give him peace)) recited the Quran quietly in the prayer of the eclipse. This is the view of Abu Hanifa and Shafi'i. Although there is another tradition narrated by A'ishah ((God be pleased with her)) which shows that he recited Quran audibly. This tradition has been transmitted by Bukhari. The view that the Quran should be recited loudly is held by Imam Ahmad and Ibn Khuzayma. *Imam An-Nawawi stated that Shafi'i, Malik, Abu Hanifa and the majority of the jurists hold that one should recite Quran quietly at the solar eclipse and loudly at the lunar eclipse.*[2]

وإن لم يحضر الإمام صلوا فرادى كالخسوف

If the imam is not present amongst the people, they are to offer the prayer individually just as the prayer of the lunar eclipse *(khusuf)* is prayed individually. Verily, there is no congregation when the moon is eclipsed (i.e. lunar eclipse).

و (كالصلاة فردى) الظلمة الهائلة نهارا ، والريح الشديدة (ليلا كان، أو نهار) والفزع (بالزلازل، والصواعق).

Other prayers which are offered individually **are the prayer of terrifying darkness in the day, the prayer due to strong wind,** whether it is during the day or at night, **and the prayer of peril,** which is fear or threat, such as from an earthquake or lightning, or rain or sickness and the like.

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[1] Hakim Mustadrak, 1/481 [Maraky al-Falah 313].

[2] Awn, Al-Ma'bad 1/ 460.

باب الاستسقاء

The Drought Prayer (Seeking Rain)

له صلاة من غير جماعة

There is a prayer for the seeking of rain. The prayer is not offered in a group, it is prayed individually. The prayer is lawful with no dislike, and in saying this, it is not sunna because Umar Ibn al-Khattab did not offer prayer when he sought rain. His actions did not go beyond seeking forgiveness.[1] Additionally, Umar was the most diligent in adhering to the sunna of the Prophet. The Prophet (God bless him and grant him peace) requested rain with his Companions and had it been established that he offered prayer, then it would have become well known. In addition, there is a sound report that a man came to the Prophet complaining about drought. The Prophet raised his hands seeking rain and there is no mention of prayer or turning the cloak inside out. However, the fact that Umar left the observance of prayer does not negate its permissibility. The basis of its permissibility is owing to a Shadh narration mentioned on the matter.[2]

The scholars thereafter differed whether the prayer should be offered individually or in a group. Abu Hanifa maintained that it is offered individually, not in a group. Imams Muhammad and Abu Yusuf held, "The imam is to pray two rak'ahs reciting Quran audibly such as in the Eid prayer, though without the additional takbirs." The proof used to support this view is the narration of Ibn Abbas (God be pleased with him) who said [*The Prophet prayed for rain consisting of two rak'ahs such as the prayer of Eid in which he recited aloud, and the prayer is without adhan or iqama*].[3] They also held that the imam is to deliver a sermon after the prayer like the Eid prayer. Concerning whether it be one or two sermons; Imam Muhammad maintained that it be two sermons where the imam briefly sits between them. Abu Yusuf held that it is to be one sermon after which the imam is to face the qibla and turn his cloak inside out and supplicate the request of rain. Therefore, the position of the Hanafi School is that it is permitted if it is offered in a group.[4] However, it is up to the imam of the people; if he wishes he may perform a prayer or not.

وله استغفار

There is the seeking of forgiveness when seeking rain. Allah said [Ask forgiveness from your Lord, for He is Oft Forgiving; He will send rain to you in abundance].[5]

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[1] Al-Baihaqi 3/351 [Maraky al-Falah 315].

[2] Maraky al-Falah 315.

[3] At-Tirmidhi 558, Abu Dawud 1165.

[4] Maraky al-Falah. 315.

[5] Surah Nuh 10-11.

ويستحب الخروج له ثلاثة أيام مشاة في ثياب خلقة غسيلة (غير مرقعة) أو مرقعة متذللين متواضعين

خاشعين لله تعالى ناكسين رؤوسهم

It is recommended to exit the city for those seeking rain and depart into the desert or into an outer region of the country for three consecutive days. They are to exit walking in washed worn out clothes which are patched (or not), and they are to be submissive and humble, fearing Allah during which the heads are lowered.

مقدمين الصدقة كل يوم قبل خروجهم ، ويستحب إخراج الدواب والشيوخ الكبار والأطفال

Sadaqah (charity) is to be forwarded for all the three days before leaving and all should renew their repentance to Allah. It is recommended that the animals be taken with the travellers for three days as well as the elderly and the young in order to attract the Mercy of Allah upon them. The Prophet ((God bless him and give him peace)) said [Had it not been for the pious youth, the grazing animals, the elderly whom pray, and the young who breastfeed, (Allah) would have poured punishment in a vast amount].[1]

وفي مكة وبيت المقدس ففي المسجد الحرام ، والمسجد الأقصى يجتمعون

The people who reside in Makkah are not to exit to the desert, but rather, are to gather in the Masjid al-Haram. And the people who reside in *Bait al-Maqdis* (Jerusalem) are to gather at Masjid al-Aqsah, the reason being is that these places are honoured and there is an increased mercy that descends upon them of which there is no doubt.

وينبغي ذلك أيضا لأهل مدينة النبي صلى الله عليه وسلم

And this is also required for the residents of the Madina of the Prophet ((God bless him and grant him peace)) - that is, they are to gather in the masjid of the Prophet ((God bless him and give him peace)). For even if the Prophet is not present, the mercy of Allah continues to descend upon his enlightened Madina. Allah says [You have not been sent, except as a mercy unto mankind].[2]

ويقوم الإمام مستقبل القبلة رافعا يديه والناس قعود مستقبلين القبلة يؤمنون على دعائه يقول : اللهم اسقنا غيثا

مغيثا هنيئا مريئا مريعا غدقا عاجلا غير رائث مجللا سحا طبقا دائما ، وما أشبهه سرا أو جهرا

During the supplication, the imam is to stand facing the qibla raising his hands, while the people are sitting facing the qibla saying *'Amin'* to the imam's supplications. The supplication for rain is; *Allah! Give us rain that will help us, that is good and productive, in abundance that will come now and not later which covers [the ground fertilising the crops] always*. Other supplications resembling this may be also uttered, silently or aloud.

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[1] Tabarani 22/309 and al-Baihaqi 3/343.

[2] Al-Anbiya 107; Maraky al-Falah 316.

وليس فيه قلب رداء

There is no switching around the cloak (reverse fold) during the request for rain according to Abu Hanifa. Switching the cloak means placing the right side of it on the left side and vice verse or turning it upside down. This is do98ne to indicate a change of state. These actions are not to be performed in the view of Abu Hanifa, though; Imam Muhammad stated that the cloak is to be switched. Al-Hidayah however said that he is to turn his cloak inside out, due what is reported, that the Prophet ((God bless him and give him peace)) faced the qibla and turned his cloak (inside out).[1]

ولا يحضره ذمي

Non-Muslims are not to be present during the request for rain on the basis of Umar preventing their presence; and because if rain is given, it will corrupt the vulnerable Muslims. Also, the objective of the journey and departure is to attract the mercy of God; whereas non-Muslims acquire His displeasure. This is the case even if it is permissible to say that the supplication of the disbeliever is answered as the text al-Khaniyya states. The reality is – the reason they are prevented from attending is not because the supplication of the disbeliever is not accepted as some have understood. However, the reason is because it is feared that the weak Muslims will become misguided if they are given rain because of the disbelievers' supplication. Therefore, it is paramount that the disbelievers not exit the city by themselves for the request of rain, in order to prevent them corrupting the feeble minded; and neither are they to exit with the Muslims because it is disliked to unite their group with the Muslim one.[2]

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باب صلاة الخوف

The Fear Prayer

حكمها وسببها

Its Ruling and Reason

هي جائزة بحضور عدو أو سبع وبخوف غرق أو حرق

The prayer of fear is permitted during the presence of an enemy or predatory beast even if the fear is not immense.[3] **The prayer of fear is permitted when one fears he will drown in a flood or torrent or fears he will be burnt.**

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[1] Recorded by all six compilations.

[2] Maraky al-Falah 318.

[3] Maraky al-Falah 319.

كيفيتها

How to Perform the Prayer

وإذا تنازع القوم في الصلاة خلف إمام واحد فيجعلهم طائفتين : واحدة بإزاء العدو، ويصلي بالأخرى ركعة من الثنائية وركعتين من الرباعية أو المغرب ، وتمضي هذه إلى العدو مشاة

If the people are tense or apprehensive **to pray behind one imam** for fear an enemy could attack them at any time, thereby no-one is on watch due to their engagement in prayer, **then they are to be divided into two equal groups, the first group stands opposite to the enemy while the other group pray one rak'ah from a two rak'ah prayer** *(such as for the Friday prayer)* **or pray two rak'ahs from a four rak'ah prayer or from the maghrib,** because it is not possible to split the maghrib into two equal halves, thus he allocates two rak'ahs to the first group. **On completion of the rak'ah** (or two from four), **this group returns to face the enemy walking.** *If they ride or walk to a direction other than the direction of the lines which are opposite to the enemy, the prayer is void.*[1]

وجاءت تلك ، فصلى بهم ما بقي ، وسلم وحده فذهبوا إلى العدو

Thereafter, the second group arrives and prays what is left of the prayer. The imam then gives the final salams alone - while this (second) group returns to the enemy walking.

ثم جاءت الأولى وأتموا بلا قراءة وسلموا ومضوا

After this, the first group returns and completes the prayer they began without reciting Quran, because they were with the imam from the commencement and the judgement is that the imam's recitation is regarded as recitation for the follower, regardless if they leave and return. **Upon completion, they give the final salams and return to the enemy.**

ثم جاءت الأخرى إن شاءوا وصلوا ما بقي بقراءة

The second group may then return if they wish or they may pray in their current places, **and they are to make up what remains from the prayer with recitation of Quran** for the reason that they are latecomers to prayer, due to the fact that they began after the first group and latecomers must recite Quran for themselves when making up what they missed. The Prophet ((God bless him and give him peace)) performed the prayer of fear according to this description.[2]

Note: There are sixteen varying narrations about the prayer of fear. The Prophet (God bless him and give him peace) performed it twenty-four times and all are permitted, but the greatest and closest to what the Quran states is that mentioned above. In addition, one of the reasons that the prayer is split into two groups is that while one prays, the other protects the rest of the people, so that the enemy does not realise that half the people have left for prayer.

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[1] Maraky al-Falah 319.

[2] Abu Dawud 1234 [Maraky al-Falah 319].

إذا اشتد الخوف

Excessive Fear

وإن اشتد الخوف صلوا ركبانا فرادى بالإيماء إلى أي جهة قدروا

If one's fear intensifies from an enemy for life and limb, one is permitted to pray alone while riding his beast by way of indication (nodding).

ولم تجز بلا حضور عدو

The prayer of fear (in this manner as well as dividing the group) **is not permitted unless it be in the presence of an enemy or foe.**

ويستحب حمل السلاح في الصلاة عند الخوف

It is recommended to carry a weapon during the prayer of fear. Imam Malik and Shafi'i held it as necessary to carry a weapon due to the saying of Allah ((When you (O Messenger) are with them, and stand to lead them in prayer, let one party of them stand up (in prayer) without you, taking their arms with them; when they finish their prostrations, let them take their positions in the rear. And let the other party come up which has not yet prayed, and let them pray with you taking all precautions, and bearing arms: the unbelievers wish, if you were negligent of your arms, to assault you in a single rush)).[1]

وإن لم يتنازعوا في الصلاة خلف إمام واحد ، فالأفضل صلاة كل طائفة بإمام مثل حالة الأمن

If there is no apprehension or unease for all the people to pray behind one imam, then the best method is that each group prays the entire prayer behind its own imam; meaning the first group prays the entire prayer with its own imam, thereafter the second group prays the entire prayer with its own imam, **it is therefore prayed in a manner that one prays when it is safe.**

The Chapter of Funerals

Book III: The Funeral Prayer [Janaza]

CONTENTS:

باب أحكام الجنائز

The Funeral Rules

يسن توجيه المحتضر على يمينه، وجاز الاستلقاء، وترفع رأسه قليلا

It is sunna to turn the dying person on his right side. And it is permitted to keep him on his back, as they are easier to treat, **though his head is to be slightly inclined** so that his face is directed towards the qibla and not the sky.

ويلقن بذكر الشهادة عنده من غير إلحاح، ولا يؤمر بها

It is sunna to instruct the dying person to say, *"There is no god but Allah"* letting him hear it (so he can repeat it) **but without irritating insistence and without ordering him to say it.** It should not be said to the dying 'Say....', rather it is recommended to encourage the dying to repent to Allah, in saying 'I seek forgiveness from Allah, the One and only' etc.[1] However, the disbeliever is to be ordered to utter the testimonies of faith. Anas ((God be pleased with him)) said: A young Jew became ill. The Prophet ((God bless him and give him peace)) went to visit him upon which he sat down by his head and said to him "Accept Islam." The boy looked at his father who was near his head, and he said, 'Obey Abu al-Qasim.' So he accepted Islam, and the Prophet stood up saying, "Praise be to Allah who has saved him through me from hell."[2] This shows that it is meritorious to visit a non-Muslim during his illness. In such cases, Islam behaves on humanitarian grounds.[3] Therefore, the dying is to be reminded about the shahada given that the Prophet ((God bless him and give him peace)) said [Whoever's last words were 'There is no god but Allah', he will enter Paradise].[4] The Prophet ((God bless him and give him peace)) also said [Prompt your dying with the saying 'There is no god but Allah'].[5] With respect to the first point about instructing the deceased *without insistence*, this is due to the nature of the situation, for at that time it is difficult and it is feared that the dying may become annoyed.

وتلقينه في القبر مشروع

Instructing the deceased (talqin) after his body has been placed in the grave is legal (through Islamic law). Instructing the deceased means to instruct the deceased with the declarations of faith; "There is no god but Allah and Muhammad is the Messenger of Allah, the Holy Book, and other matters of creed. [*Ibn Abidin states in his Hashia*:] It is reported that the Prophet ordered the instruction [*talqin*] of the deceased after the burial. Therefore, one is to say, "O

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[1] Maraky al-Falah 322.

[2] Bukhari 1356.

[3] Abu Dawud 1/882.

[4] Abu Dawud 3110.

[5] Abi Shaybah 2/447.

such and such, remember your religion that you were upon in the world; namely - *la ilaha illa Allah Muhammad rasul Allah*, and that paradise is true, hell-fire is true and the resurrection is true; and that the hour is coming of which there is no doubt; and that Allah will resurrect those in their graves; and that you are pleased with Allah as the Lord and Islam as the religion and Muhammad as the Messenger, and the Quran as the guide; the ka'bah as the qibla and the believers as brothers.[1]

Indeed, the basis for this instruction is the saying of the Prophet, "Instruct your dead, 'I testify there is no god but Allah.'"[2] This has been related by the group, except Bukhari and this action is attributed to *Ahl as-Sunna wal-Jama'a*. Furthermore, the word '*mawtaakum*' translated as dead or deceased in the above hadith leaves no doubt that the expression and meaning is literal and real. And it is not permissible to leave the literal position unless there is proof to the contrary. It is therefore necessary that it be specified as literal with the saying '*mawtaakum*'.[3]

Additionally, the authentic hadith of the Prophet (God bless him and grant him peace) ordered that the bodies of the idolaters slain on the day of Badr be thrown into a well whose interior was uncased with stones, then he approached the well and began calling the unbelievers by their names and fathers' names, saying: "O So and so-son of so and so, and So and So- son of so and so, it would have been easier had you obeyed Allah and His Messenger. We have found what our Lord promised to be true; have you found what your Lord promised to true?" To which Umar said, "O Messenger of Allah, why speak to lifeless bodies?" And he replied, "By Him in whose hands is the soul of Muhammad, you do not hear my words better than they do." This authentic hadith clearly shows that a dead person hears the words of a living person.

وقيل لا يلقن

Though it has been said that the deceased is not to be instructed (reminded) after being placed in his grave, although this saying is attributed to the Mu'tazilah.[4] Al-Qadi Amir Muhammad al-Karmani was asked about the instruction or reminding the deceased upon which he said, "Why should a person not observe this instruction of the deceased, seeing that it contains benefit from what is transmitted from the Companions, God be pleased with them all."

وقيل لا يؤمر به ولا ينهى عنه

It has also been said that one is not to be ordered to instruct the deceased and neither is he to be prevented from doing so. This means that the person who leads the funeral procession, usually the imam or anyone else, is not to be ordered or prevented from instructing the deceased.

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[1] Radd al-Muhtar vol. 3/80.
[2] Muslim 916.
[3] Maraky al Falah 322.
[4] Maraky al Falah 322

ويستحب لأقرباء المحتضر وجيرانه الدخول عليه ويتلون عنده سورة يس

It is recommended for the relatives of the dying person and his neighbours to visit him and recite surah *Ya–Sin* in his presence, as was ordered by the Prophet ((God bless him and give him peace)) who said [Recite over your dying Ya-Sin].[1] They are also to remind him and fulfil his rights and offer water to drink as the thirst at the time of death is great.[2] Furthermore, they should produce in his mind a sense of hope mentioning God's unlimited mercy.

واستحسن بعض المتأخرين سورة الرعد

Some of the later scholars maintained that it is good to recite surah *ar-Rad* in the presence of the dying, due to the saying of Jabir ((God be pleased with him)) [For verily, it makes easy the exiting of the soul].[3]

واختلفوا في إخراج الحائض والنفساء من عنده

Scholars differed whether the female with her menstrual periods or postnatal bleeding should withdraw from the presence of the dying, implying that this may prevent the presence of angels descending due to the attendance of a female in such a state, as is related in the hadith. The Prophet ((God bless him and give him peace)) said [The angels do not enter the house where there is a picture, or a dog or a person in the state of *janaba* (sexual impurity)].[4] Indeed, one in the state of *janaba* is similar to one who suffers menstrual periods. Note: The dog kept for watching agricultural fields or cattle or the house is exempt from this prohibition. And the word picture refers to an image of sentient objects.

فإذا مات شد لحياه وغمض عيناه ويقول مغمضه : بسم الله وعلى ملة سيدنا رسول الله صلى الله عليه وسلم اللهم

يسر عليه أمره وسهل عليه ما بعده وأسعده بلقائك واجعل ما خرج إليه خيرا مما خرج عنه

Upon death, it is recommended to close the jaw of the deceased (with a wide bandage tied around the head and under the jaw so the mouth is not left open), **and the eyes are to be gently closed**, since it is an order reported in the sunna. The Prophet ((God bless him and give him peace)) said [When you visit your deceased persons, you should close their eyes, for verily the eye-sight follows the soul and you should say good words for the angels say, *'Amin'* to what the people of the house utter (for or against him)].[5] **The one closing the eyes of the deceased is to say, *"In the name of Allah and on the religion of the Beloved Prophet. O Allah, lighten the matter on him and smooth the path for what is after it, and honour him in Your meeting and make that which he has gone to better than that which he came out from."***

[1] An-Nasai 6/265.

[2] Maraky al-Falah 323.

[3] Imam Suyuti Mandhur 4/599.

[4] Abu Dawud 227

[5] Ibn Majah 1455.

وتوضع على بطنه حديدة لئلا ينتفخ ، وتوضع يداه بجنبيه ولا يجوز وضعهما على صدره

It is recommended to place something heavy on his stomach, such as a metal to prevent bloating (as was related by Imam Shafi'i), **thereafter the hands of the deceased are placed on his sides. It is not permitted to place the hands on the chest of the deceased** for it is a practice of the People of the Book. Also, the limbs and joints should be made flexible by bending the forearm to the upper arm, the calf to thigh and the thigh to the stomach and then straightening them. Likewise, the fingers are flexed in order to smooth the process of the washing and shrouding.[1]

وتكره قراءة القرآن عنده حتى يغسل

It is disliked to recite Quran at this time in the presence of the deceased until he is washed (for verily as the washing is taking place, the impurities and filth are being washed away).

ولا بأس بإعلام الناس بموته

There is no harm with announcing the death to the people. Verily it is recommended in order to increase the amount of people who perform the funeral prayer. The Prophet ((God bless him and give him peace)) said [If any Muslim who dies and forty men who associate nothing with Allah stand over his body (i.e. they offer prayer on him), Allah will accept them as intercessors for him].[2] Note, if the number increases the intercession would be more effective as the Prophet ((God bless him and give him peace)) said [If a company of Muslims numbering one hundred pray over a dead person, all of them interceding for him, their intercession for him will be accepted].[3]

ويعجل بتجهيزه

It is recommended to make haste in preparing the deceased for burial. The Prophet ((God bless him and give him peace)) said [And make haste, for it is not advisable for the corpse of a Muslim to remain withheld among his family].[4]

فيوضع كما مات على سرير مجمر وترا

The deceased is to be placed on a bench *(or washing platform)* **which is lightly fumigated** with incense or a scented compound by circling the washing bench **in odd numbers,** such as three, five, or seven times. Note: During the wash, it is permissible to place the body in one of two positions. One may place the feet of the deceased facing towards qibla, or one may place the right side of the deceased towards the qibla.

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[1] Maraky al-Falah 325.
[2] Muslim 948.
[3] Muslim 947.
[4] Abu Dawud 3153.

ويوضع كيف اتفق على الأصح

Accordingly, the body is placed in the position that is agreed upon, and this is the most correct view (note: whichever position is convenient is permissible).

ويستر عورته

Thereafter, the private area is covered, which is between the umbilicus to the knees. However, al-Hidaya states that it is sufficient to cover the major private area.[1]

ثم جرد عن ثيابه ووضيء إلا أن يكون صغيرا لا يعقل الصلاة، بلا مضمضة واستنشاق

The clothes of the deceased are then removed, and he is given wudu without rinsing the mouth or nostrils. Though a young child who is not mentally competent for prayer is not given wudu.

إلا أن يكون جنبا

If however the deceased is in a state of sexual impurity (such as after sexual intercourse or is a menstruating woman or a woman with postnatal bleeding) **they are to have their nostrils and mouth gently rinsed.**

وصب عليه ماء مغلي بسدر أو حرض وإلا فالقراح وهو: الماء الخالص

Upon completion of wudu, **water which has been boiled with *sidr*** (lote tree leaves) **or *hurud*** (a type of leaf) **is poured on the deceased. And if there is no lote tree leaves to boil with the water, then plain (unmixed) water is to be used.** It was reported that Allah's Messenger ((God bless him and give him peace)) came to us when his daughter died and said [Wash her three or five times or more, if you see it necessary with water and sidr (lote-tree leaves)].[2]

ويغسل رأسه ولحيته بالخطمي

The head of the deceased including the beard is then washed with *khitmi*, which is a plant that has sweet aromas and is used as a cleansing agent also known as marshmallow.

ثم يضجع على يساره فيغسل حتى يصل الماء إلى ما يلي التخت منه ثم على يمينه كذلك

Thereafter the deceased is tilted onto his left side (as it is sunna to allow the right side to be bathed first) **and is then washed until the water reaches the part that touches the bedside.** During this tilt, water is poured from head to toe. **The body is then placed on its right side and similarly bathed,** until the water reaches the entire body.

ثم أجلس مسندا إليه ومسح بطنه رفيقا، وما خرج منه غسله ولم يعد

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[1] Maraky al-Falah 326.

[2] Bukhari 1253.

The deceased is then inclined in a sitting posture slightly leaning forward (to prevent him falling) **and the stomach is gently messaged** (to clear away any traces of remaining bodily substances). **Whatever exits the body is to be washed away, and the washing process is not to be repeated.** Ali Ibn Abi Talib ((God be pleased with him)) is reported to have said that when he bathed the Holy Prophet ((God bless him and give him peace)) he began to trace out from him, which one traces from the deceased. But he did not find it. Thereupon he said [May my father be a ransom for you. You are the most pure. You were clean and pure in life and you are clean and pure after demise].[1]

ثم ينشف بثوب ويجعل الحنوط على رأسه ولحيته

The deceased is then dried with a cloth. *Hanut* (balm or an aromatic compound) **is then placed upon the beard and head of the deceased** as was related from Ali, Abbas, and Ibn Umar.[2]

والكافور على مساجده

Thereafter, the places that touch the floor in prostration are rubbed with *kafur* (camphor). That is, it is placed on the forehead, nose, hands, knees and the feet as Abdullah Ibn Mas'ud narrated.

وليس في الغسل استعمال القطن في الروايات الظاهرة

Cotton is not to be used during the washing, and this is the most evident view in this regard. However, some scholars such as Imam Zayla'i have said there is no problem in placing cotton on the face, though the majority hold that during the wash one should not place cotton in the anus or front part of the deceased.[3]

ولا يقص ظفره وشعره ولا يسرح شعره ولحيته

The nails, beard and hair of the deceased is not to be cut, trimmed or combed due to the words of A'ishah ((God be pleased with her)) "Why do you stretch the forelock of your deceased?"

والمرأة تغسل زوجها بخلافه كأم الولد ، لا تغسل سيدها

The wife is permitted to wash her deceased husband for the reason that she remains his wife for another four months and ten days.[4] **Though the opposite is not permitted** (i.e. for a man to wash his wife, the reason being that ceremonial relations have ceased). **Likewise, a slave who has given birth to a child of her master cannot perform the washing of her master,** though if there is no one present to wash him, the slave is permitted to wrap a cloth around her hand and purify her deceased master by tayammum. If a woman is not found to bath a woman, then her husband is allowed to purify her by tayammum.

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[1] Ibn Majah 1467. The isnad is sound.

[2] Ibn Shaybah 2/460.

[3] Maraky al-Falah 328.

[4] If however, she gives birth after his death or her waiting period [*'idda*] of divorce is complete, she cannot bath him. [Maraky al-Falah 328].

ولو ماتت امرأة مع الرجال يمموها كعكسه ، بخرقة ، وإن وجد ذو رحم محرم يمم بلا خرقة

If a female dies amongst men, they are to purify her by tayammum, and the person who conducts this, is to wrap a cloth around his hand. **Likewise, if a man dies amongst women, they are to purify him by tayammum** with a cloth wrapped around the hand of the female who does it. **If however, there is a relative present who is unmarriageable (mahram), then they are permitted to give the deceased *tayammum* without a cloth** whether the deceased is male or female. The reason this is the case is because they are unmarriageable. Hence, it is permitted for them to touch the parts of the deceased that are required for tayammum.[1]

وكذا الخنثى المشكل ييمم في ظاهر الرواية

The same applies for a hermaphrodite; that is, they are to be purified by tayammum according to the most evident opinion.

ويجوز للرجل والمرأة تغسيل صبي وصبية لم يشتهيا

It is permitted for a man to wash a young girl who has not reached the age of puberty **provided he does not desire her. Likewise, it is permitted for a woman to wash a young boy provided she does not desire him,** because their body parts are not classified as private parts due to their age.[2]

ولا بأس بتقبيل الميت

There is no harm if one kisses the deceased out of love. A'ishah ((God be pleased with her)) said: I saw the Apostle of Allah ((God bless him and give him peace)) as he kissed Uthman Ibn Madhun while he was dead, and I saw that tears were flowing (from his eyes).[3] Note: Uthman Ibn Madhun was the foster brother of the Prophet ((God bless him and give him peace)); he was an immigrant and was the first among the immigrants to die. The Prophet kissed him out of love for him. Abu Bakr is also said to have kissed the Prophet when he died.

وعلى الرجل تجهيز امرأته ولو معسرا في الأصح

It is the responsibility of the man in preparing his deceased wife for the burial and shrouding according to Imam Abu Yusuf, **even if he is in financial difficulty and this is the correct view** which is in harmony with the fatwa issued. Note: the kafn are the shrouds which the deceased is made to wear prior to being placed into the grave.

ومن لا مال له فكفنه على من تلزمه نفقته

Whoever dies and has no money, then the cost of the shrouding is to be paid by those who were legally required to assist him before he died (such as his family).

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[1] Maraky al-Falah 328.

[2] Maraky al-Falah 328.

[3] Abu Dawud 3157.

وإن لم يوجد من تجب عليه نفقته ففي بيت المال

If there is no such person present, then the responsibility falls upon *bait al-Mal*, which is wealth that the imam of the Muslims has gathered from charity donations, taxes on the ground, zakat etc.

فإن لم يعط عجزا أو ظلما فعلى الناس

If however, there are no funds given (for the shrouding of the deceased) **from *bait al-Mal* either due to insufficient funds or injustice** (in that they say that the right of wealth is for the benefit of the Muslims, or due to ignorance) **then it is upon the people** who are able to donate funds and assist.

و(يجب أن) يسأل له التجهيز من لا يقدر عليه غيره

A person who is financially unable to assist the deceased in the shrouding or burial is required to seek assistance from others on behalf of the deceased.

وكفن الرجل سنة : قميص وإزار ولفافة : مما كان يلبسه في حياته

To enshroud the deceased is obligatory. As to the number of cloths used, this is divided into three types; namely, sunna, sufficient and necessity. **The sunna shrouding of a man consists of, i) a shirt,** which extends from the base of the neck to the feet, **ii) a wrapper** [*izar*], which is the inner shroud, its length being from the head to the feet, **iii) an outer wrapper** [*lifafah*], its length being longer than one's body, extending beyond the head and feet with which the entire body can be wrapped with an allowance made for the tying of the knots at both ends.[1] **And the quality of the shrouds is to be equal to the clothing one would wear when he was alive,** such as on the day of Eid celebration or Friday prayer.[2] Additionally, one should not be extravagant in shrouding. The Prophet ((God bless him and give him peace)) said [Do not be extravagant in shrouding, for it will be quickly decayed].[3].

Important note: There are times of necessity or little means when some of the shrouds are unavailable, for example, Mus'ab Ibn Umair ((God be pleased with him)) was martyred on the day of Uhud. He had only a striped cloak, when his head was covered, his feet appeared and when his feet were covered, his head appeared. Thereupon, the Prophet ((God bless him and give him peace)) said [Cover his head with it, and cover his feet with grass].[4] In this example, it is clear that due to the circumstances, this man was shrouded only in a single garment, which sufficed due to the necessity. This means that in the event of necessity, it is permissible to enshroud the deceased in what is available. Though if all shrouds are available, it is sunna to use all shrouds. Thus, the shrouding is divided into three sections: 1-sunna (if all are available), 2-sufficient and 3-necessity.

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[1] Maraky al-Falah 329.
[2] Maraky al-Falah 329.
[3] Abu Dawud 3148
[4] Abu Dawud 3149.

وكفاية : إزار ولفافة . وفضل البياض من القطن

The sufficient shrouding is the inner wrapper [*izar*] and the outer wrapper [*lifafah*]. White cotton is the best and preferred type of shroud. Abu Bakr ((God be pleased with him)) said [Wash these two clothes of mine and enshroud me in them].[1] This hadith clearly indicates that these two shrouds alone are sufficient.

وكل من الإزار واللفافة من القرن إلى القدم

The length of both the inner wrapper and outer wrapper are to be from the head (hair) of the deceased to the feet with an allowance for the knots at the ends.

ولا يجعل لقميصه كم ولا دخريص ولا جيب ولا تكفف أطرافه

The shirt is to have no sleeves, or opening at the bottom and no pockets (for this is a need for the living not the dead). Additionally, the edges are *not* to be hemmed.

وتكره العمامة في الأصح

To include a turban with the shrouds is disliked, and this is the soundest view as it was not included in the shrouds of the Prophet ((God bless him and give him peace)). However, some jurists have allowed it.[2]

The procedure of the shrouds is to first position the outer wrapper on the bench, then the inner wrapper on top, after which the deceased is made to wear the shirt and set down on these shrouds.[3]

ولف من يساره ثم يمينه

The inner wrapper [*izar*] is first folded from the left side, then from the right side (so that the right part will be over the left part). Thereafter, the outer wrapper [*lifafah*] is folded similarly.

وعقدا إن خيف انتشاره

The shrouds may be knotted if it is feared they will unfold.

وتزاد المرأة في السنة خمارا لوجهها وخرقة لربط ثدييها

In the sunna shroud for a woman, two additional cloths are added (to that of the shrouds of a man); the first is a veil [*khimar*] to cover her head and face and the second is a cloth used to cover her breasts that extends from the chest area to the umbilicus. Though it has been said that it is to extend from the breasts to the knees. Thus, the sunna shroud for a female includes five covers: 1/ shirt, 2/ veil, 3/ inner wrapper, 4/ outer wrapper and 5/ breast tie.

وفي (كفن) الكفاية (على كفن الرجال) خمارا

[1] Recorded by Ahmad.

[2] Maraky al-Falah 330.

[3] Maraky al-Falah 330.

The sufficient shrouding for a woman are three; the inner wrapper, outer wrapper and veil [*khimar*].

ويجعل شعرها ضفيرتين على صدرها فوق القميص

The procedure of shrouding a woman is as follows; the female is made to wear the shirt. Her hair is then divided into two folds and placed over the right and left breast, over the shirt.

ثم الخمار فوقه تحت اللفافة

The veil is then placed upon the head and face over the shirt so that it will end up being under the outer wrapper.

ثم الخرقة فوقها

The breast cloth is then tied over the outer wrapper to prevent them from unfolding and potential exposure. Hence, we have the shirt, followed by the veil, inner wrapper, outer wrapper, and breast tie.

وتجمر الأكفان وترا قبل أن يدرج فيها

The shrouds (be they for a man or woman) are then scented with aroma from aloes and the like and this is performed in odd numbers before the deceased is placed in them. The Prophet ((God bless him give him peace)) said [If you place an aroma upon the deceased, then do so in odd numbers].[1]

وكفن الضرورة ما يوجد

The shroud of necessity (whether for a man or woman) is what is available as mentioned in the hadith earlier.

فصل في صلاة الجنازة

The Prayer Over The Dead (Funeral prayer)

حكم الصلاة على الميت، وأركانها

Its Ruling And Pillars

الصلاة عليه فرض كفاية

The prayer over the dead is a communal obligation, meaning it is collectively obligatory, though if a few persons perform the prayer, then the rest are relieved of the obligation. Allah said [And Pray over them].[2] And the Prophet ((God bless him and give him peace)) said [Pray over every pious and impious person].[3]

وأركانها التكبيرات والقيام

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[1] Ahmad 3/331.

[2] Tawbah 103

[3] Abu Dawud 594.

The pillars of the funeral prayer are the sayings of Allahu akbar and the standing (i.e. to stand and perform the prayer).

شروط الصلاة على الميت

Conditions Of The Funeral Prayer

وشرائطها ستة

Its conditions are six;

إسلام الميت وطهارته

1/ 2/ **The deceased is to be Muslim and in a state of purification.** Allah said [Nor do you ever pray for any of them that die, nor stand at his grave, for they rejected Allah and His Messenger, and died in a state of perverse rebellion].[1] With respect to the second point of purification, this means, the deceased must be free from filth regarding his clothes and body including the area where the deceased is placed. The reason purity is a condition is because the deceased, during the prayer, is in front of the people and it is the right of the imam that the dead body be clean.

وتقدمه أمام القوم

3-**The deceased is to be placed in front of the people.**

وحضوره أو حضور أكثر بدنه أو نصفه مع رأسه

4-**The body of the deceased or the majority of it should be present. If not, then half the body with the head is to be present.** Prayer is not to be performed if the deceased is not present. As for the prayer over Najashi, this was something specific for him according to the agreement of Hanafi scholars as well as the Malikis. It was considered as a Miracle for the Prophet. As for the Shafi'is and Hanbalis, they held that the funeral prayer is permitted upon a non present deceased.[2]

وكون المصلي عليها غير راكب بلا عذر

5-**The people who are praying over the deceased must not be riding** or sitting **unless there is a valid reason;** because standing during the funeral prayer is a pillar and one cannot leave the standing position unless there is a valid reason.

وكون الميت على الأرض فإن كان على دابة أو على أيدي الناس لم تجز الصلاة على المختار إلا من عذر

6-**The deceased is to be placed on the ground during the prayer. If he is placed on a beast** (such as a horse) **or is held up by the hands of the people, then the prayer is not valid according to the chosen view, unless there is a legitimate reason,** such as the ground is extremely muddy.

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[1] Tawbah 84.

[2] Al-Fiqh al-Islamy, Ibrahim as-Salkini 390.

سنن الصلاة على الميت

The Sunan Of The Funeral Prayer

وسنتها أربع

Its sunan are four;

قيام الإمام بحذاء صدر الميت ذكرا كان أو أنثى

1- **It is sunna for the imam to stand near the chest of the deceased whether it is a male or female**; the reason being is that the chest is the place of the heart and the light of Iman.[1]

والثناء بعد التكبيرة الأولى

2- **After the first Allahu akbar, one is to recite the opening glorification (*thana'*)** and it is [*Glory be to You, O Allah and Praise be to You, and Blessed is Your Name, and Exalted is Your Majesty, and there is none to be served besides You*]. Note; It is permissible to recite the Fatiha with the intention of the opening glorification (*thana'*). It is reported that Ibn Abbas performed prayer over a deceased and recited the Fatiha and said, "In order that you know it is from the sunna."[2] Imam Shafi'i held it as obligatory. Hanafi jurists say that there is no problem for one who intended it as recitation in order to remove oneself from the varying views of the scholars. Given this, it has also been stated that the most correct view is that if one recites it with the intention of recitation, then it is disliked, though not if one recites it with the intention of the opening glorification.[3]

والصلاة على سيدنا النبي صلى الله عليه وسلم بعد الثانية

3- **After the second Allahu akbar, it is sunna to recite the blessings on the Prophet** ((God bless him and give him peace)) and it is [O Allah! Shower Your Mercy upon Muhammad and the family of Muhammad, as You showered Your Mercy upon Ibrahim and the family of Ibrahim. O Allah! Shower Your blessings upon Muhammad and the family of Muhammad as You showered Your blessings upon Ibrahim and the family of Ibrahim. Behold You are Praiseworthy, Glorious].

والدعاء للميت بعد الثالثة ولا يتعين له شيء ، وإن دعاء بالمأثور فهو أحسن وأبلغ

((ومنه ما حفظ عوف من دعاء سيدنا النبي صلى الله عليه وسلم اللهم اغفر له وارحمه وعافه واعف عنه وأكرم نزله ووسع مدخله واغسله بالماء والثلج والبرد ونقه من الخطايا كما ينقى الثوب الأبيض من الدنس وأبدله دارا خيرا من داره وأهلا خيرا من أهله وزوجا خيرا من زوجه وأدخله الجنة وأعذه من عذاب القبر وعذاب النار))

4- **After the third Allahu akbar, to supplicate for the deceased is sunna. This supplication should not relate to anything other than the matters pertaining to the hereafter. If however, one supplicates for the deceased with that, which is**

[1] Maraky al-Falah 333.

[2] Bukhari 1335.

[3] Maraky al-Falah 333 and Nur al-Idah 181.

transmitted from the Prophet, it is superior and more effective. And from these supplications is what Auf Ibn Malik ((God be pleased with him)) learnt from the Prophet ((God bless him and give him peace)), which is [O Allah, forgive and have mercy upon him, excuse him and pardon him, and make honourable his reception. Expand his entry and cleanse him with water, snow and ice, and purify him of sin as a white robe is purified of filth. Exchange his home for a better home and his family for a better family and his spouse for a better spouse. Admit him into the Garden; protect him from the punishment of the grave and the torment of the fire]. And Auf Ibn Malik said (I wish I was that deceased person).[1]

ويسلم بعد الرابعة من غير دعاء في ظاهر الرواية

After the fourth Allahu akbar, the finishing salams are observed without supplication, and this is the most evident opinion on the matter, though, some scholars have permitted one to say, 'Our Lord! Give us good in this world and good in the hereafter and save us from the torment of the fire'.[2]

ولا يرفع يديه في غير التكبيرة الأولى

The hands are not be raised (for the takbirs), except for the first one based on the report of Ibn Abbas and Abu Hirairah that the Prophet during the observance of a funeral prayer raised his hands for the first takbir, but not after that.[3] However, many scholars choose to raise their hands for every takbir owing to a narration that Ibn Umar observed it.[4]

ولو كبر الإمام خمسا لم يتبع ولكن ينتظر سلامه في المختار

If the imam says 'Allahu akbar' a fifth time, the followers do not join him, rather they wait for the finishing salams of the imam, and this is the opted view on the matter.

ولا يستغفر لمجنون وصبي ويقول : اللهم اجعله لنا فرطا، واجعله لنا أجرا وذخرا واجعله لنا شافعا مشفعا

If the deceased was insane or a young boy or girl (who had not reached puberty), **then one is *not* to supplicate forgiveness for them** because they have committed no sin, **rather one should supplicate; *O Allah, make them a source for our salvation; and make him/her a source of reward and treasure for us; and render him/her an intercessor for us, and one whose intercession is accepted.***

[1] Muslim, at-Tirmidhi, and an-Nasai.
[2] Al-Baqarah 201.
[3] Darqutani 2/75 [Maraky al-Falah 334].
[4] Maraky al-Falah 334.

أحق الناس بالصلاة علي الميت

The One Most Entitled To Lead The Funeral Prayer

السلطان أحق بصلاته

The sultan (ruler) has the most right to lead the funeral prayer.

ثم نائبه

After the sultan, **his deputy is the one with the most right**. The deputy is the one the sultan chooses to lead the people in his absence.

ثم القاضي

Subsequent to the sultan's deputy, **the judge is the one with the most right** to lead the funeral prayer because he is in charge with authority and implementation.

ثم إمام الحي

Then the imam of the locality (i.e. the imam who is responsible in that area).

ثم الولي

Then the guardian (or the family member responsible for the deceased) provided it is a male. The female has no right to conduct the funeral prayer and neither a boy. The father of the deceased has more right to be imam than the son. Abu Hurayrah narrated the following from the Prophet ((God bless him and give him peace)) [Three supplications are accepted: The supplication of the oppressed, the supplication of the traveller and the supplication of the parents to their child].[1]

ولمن له حق التقدم أن يأذن لغيره فإن صلى غيره (أي: غير من له حق التقدم بلا إذن ولم يقتد به) أعادها

إن شاء ولا يعيد معه من صلى مع غيره

The one with the most right to lead the funeral prayer may give permission to others to lead the prayer. And if others (with the lesser right) **lead the funeral prayer** (without permission and in the absence of the ruler and his deputies), **then the one with the most right may repeat the prayer if he wishes. And the people who prayed the first time** (with another imam) **are not required to repeat the** prayer should it be repeated.

ومن له ولاية التقدم فيها أحق ممن أوصى له الميت بالصلاة عليه، على المفتى به

The one most entitled to lead the funeral prayer has more right than the person whom the deceased instructed in a will to lead the prayer after his death, and the fatwa issued is according to this view. The reason this is the case is because the instructions of the deceased as to who leads the funeral prayer after his death is invalid.[2] Meaning, if the deceased before dying directed someone in the form of a will to lead the funeral prayer and then died, it is of no significance, the leaders

[1] Ahmad 2/523.

[2] Maraky al-Falah, 334.

with authority to lead the prayer as earlier mentioned are still more entitled to lead the prayer. Though some scholars mentioned that if the people agree to him being imam, then he is more entitled, for verily Umar instructed Suhaib to perform the funeral prayer and Umm Salamah instructed Said Ibn Yazid to pray over her and Abu Bakr directed Abu Bardah to perform the prayer over him and A'ishah directed Abu Hurairah to perform the funeral prayer over her. Scholars of this view say, "So as for the saying that the will or instruction after death is invalid – this is disregarded."[1]

وإن دفن بلا صلاة صلي على قبره ، وإن لم يغسل ، ما لم يتفسخ

If the deceased is buried without a funeral prayer performed over him, then it is to be offered over his grave, even if the deceased had not been washed, provided the body has not begun to decompose; and this is determined by a person's predominant belief. And if there are only seven people present to perform the funeral prayer, then they should form three lines. That is, the imam stands alone at the front followed by three people in the first line behind him. This is followed by two people in the second line and one person is to form the last row. This is because the hadith clearly states: [If three rows pray upon a deceased, he is forgiven))].[2]

حكم اجتماع الجنائز في وقت واحد

The Ruling Of Multiple Funeral Prayers At The Same Time

وإذا اجتمعت الجنائز فالإفراد بالصلاة لكل منها أولى ويقدم الأفضل فالأفضل

If there are several bodies, it is best to perform a separate funeral prayer for each body. The first funeral prayer is to be performed upon the most pious (and learned), **and then upon the second** most pious, and this is the sequence.

وإن اجتمعن وصلى عليها مرة جعلها صفا طويلا مما يلي القبلة بحيث يكون صدر كل قدام الإمام

If there are several bodies, it is valid to perform a single funeral prayer for all of them by putting the coffins in a long line closest to the qibla in a way that the chest of each of them is in front of the imam (i.e. opposite to the imam). *See the diagram below.*

وراعى الترتيب ، فيجعل الرجال مما يلي الإمام والصبيان بعدهم ثم الخناثى ثم النساء

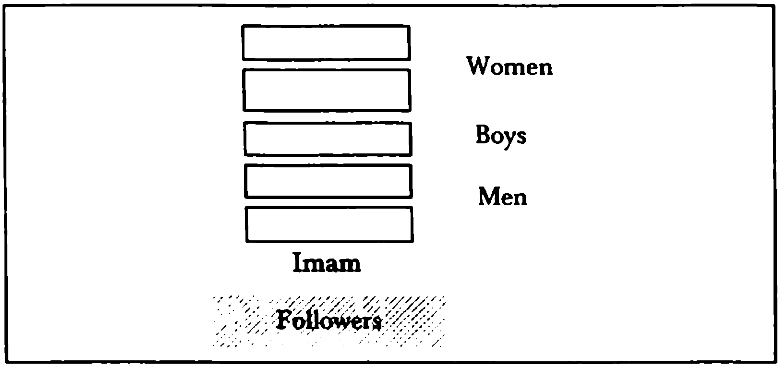
Maintaining the order when placing the bodies in this manner is vital. Verily, the men are to be placed nearest to the imam, then the boys after the men, then the hermaphrodites followed by the females, followed by the teenage females. Imam Hassan related from Abu Hanifa that if all the dead bodies are males, the most superior and oldest should be placed closest to the imam, and this is also the view of Imam Abu Yusuf.[3]

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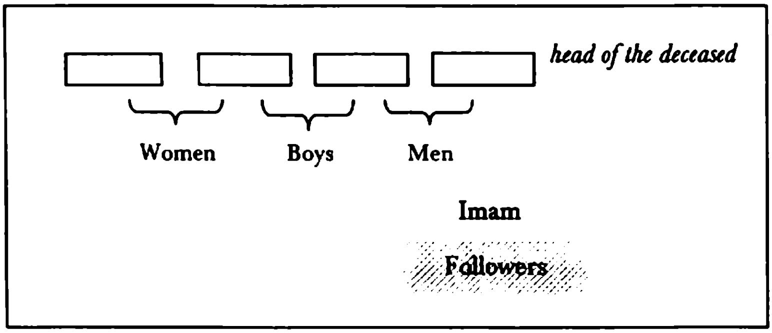
[1] Maraky al-Falah 335.

[2] This was mentioned by Ibn Hajar al-'Askalani in Fat'h al-Bari 3/187; and Tirmidhi in the Chapter of Funeral 1028 [expressed words to that effect]. Maraky al-Falah 336

[3] Maraky al-Falah 336.



If the imam prefers he may gather them in a line extending from one side to the other, horizontally as seen in the diagram below standing near the person who was known to be most righteous and knowledgeable.[1]



ولو دفنوا بقبر واحد وضعوا على عكس هذا

If all the bodies are buried in one grave because of a necessity, **they are to be placed in the opposite arrangement.** Note: the opposite arrangement means that the most superior person who stood closest to the imam and furthest from qibla in the funeral prayer is placed in the opposite arrangement and is positioned closest to the qibla at the burial. He is then followed by the one who knows the most Quran and the knowledgeable as was done with the Shuhada of Uhud. [2]

ولا يقتدي بالإمام من وجده بين تكبيرتين بل ينتظر تكبيرة الإمام ، فيدخل معه ويوافقه في دعائه ثم

يقضي ما فاته قبل رفع الجنازة

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[1] Maraky al-Falah 336.

[2] Maraky al-Falah 336-337.

One who arrives late to the funeral prayer and finds the imam (silent) **between two takbirs, is *not* to join the imam; rather, he is to wait until the imam says the next takbir and then enter with him and he is to correspond his supplications with the imams supplications;** and after the imam completes the funeral prayer, **the latecomer is to make up what he missed before the dead body is lifted up** from the ground. If one cannot make up what he missed, including the supplication before the deceased is lifted, then he is to make up only the takbirs before the coffin is carried upon the shoulders.[1]

ولا ينتظر تكبير الإمام من حضر تحريمته

A person who was present with the imam at the opening Allahu akbar, is not to wait for the next takbir of the imam before joining; rather, he joins the imam straight away. For example; a person who was present with the imam at the start may have become confused in his intention or was just unaware and thus delayed his entry into the prayer. In this situation, he is to perform the opening takbir and is considered as having caught the prayer with the imam and he is to give the finishing salams with the imam, the reason being is that he was there from the start.[2]

ومن حضر بعد التكبيرة الرابعة قبل السلام فاتته الصلاة في الصحيح

Whoever attends the funeral prayer after the imam has given the fourth takbir, but before the final salams, is deemed as having missed the prayer and this is the most correct view. However, Imam Muhammad and Abu Yusuf said that one is to perform the one takbir followed by three takbirs after the finishing salams of the imam, but before the coffin is lifted. The legal ruling [*fatwa*] on the matter is in accordance with this view. The same was maintained in *al-Khilas* and other books. As to which is the most correct, the disagreement is evident.[3]

وتكره الصلاة عليه في مسجد الجماعة وهو فيه

It is somewhat disliked to perform the funeral prayer within the congregational mosque with the deceased in the mosque. The Prophet ((God bless him and give him peace)) said [A person who prays over the deceased within the mosque receives no reward].[4] There are two reasons for this dislike. The first being that the mosque was not built for that purpose and the second reason is that the deceased may soil the mosque, and for this reason, it is disliked.

أو خارجه وبعض الناس في المسجد على المختار

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[1] Maraky al-Falah 337.
[2] Maraky al-Falah 337.
[3] Maraky al-Falah 337.
[4] Abu Dawud and Ibn Majah, Al-Zayla'i, vol. 2, 275.

Equally, it is disliked to offer the prayer **if the deceased is outside the congregational mosque while some people are inside, and this is the opted view on the matter,** and this is regardless if the imam is outside with the deceased. Though Imam an-Nasafy held that if the imam is with the deceased outside the mosque, it is not disliked in the agreed view.[1] Note: It is disliked to perform the funeral prayer on the road or land of the people.

ومن استهل سمي وغسل وصلي عليه

If a newborn displays signs of life by crying or making sounds at birth and thereafter dies, it is to be named, washed and prayed over. The Prophet ((God bless him and give him peace)) said [When an infant utters a sound (after birth) prayer will be observed over him].[2]

وإن لم يستهل غسل في المختار وأدرج في خرقة ودفن ولم يصل عليه

If a newborn does not make a sound at birth, it is to be washed according to the preferred view on the matter and thereafter **wrapped in a cloth** (named) **and buried with no funeral prayer.**

كصبي سبي مع أحد أبويه ، إلا أن يسلم أحدهما أو هو أو لم يسب أحدهما معه

Likewise, a funeral prayer is not performed **upon a boy (who was taken captive) along with one of his parents** from enemy land [*dar al-harb*]; and the reason is that he takes the rule of his parents, **unless one of his parents converts to Islam,** in which case he is ruled as being joined to the parent, thus making him eligible for a funeral prayer if he dies; **or unless the child himself becomes Muslim; or unless the child is taken captive without his parents,** in which case the child is judged according to the person who took him captive, or according to the land where the child resides, which is Islamic land, resulting in a funeral prayer upon death. This applies even to the extent that if a child (of unbelieving parents) is kidnapped and taken to Islamic territory where he subsequently dies, a funeral prayer is performed upon his body. Imam Abu Hanifa withheld his view on fourteen matters in his life, and one of the matters was the child of disbelieving parents whether or not the child would be in Hellfire or Paradise, though Imam Muhammad said the following: "I know that Allah will not punish someone with no sin."[3]

وإن كان لكافر قريب مسلم غسله كغسل خرقة نجسة وكفنه في خرقة وألقاه في حفرة أو دفعه إلى أهل ملته

If a disbeliever dies and he has a Muslim relative (who is present), **then the Muslim relative** is permitted **to wash the disbeliever as though he is washing a filthy cloth.** He (the disbeliever) **is to be enshrouded in a cloth** upon completion of the wash **and placed in a grave or may be given to the people of his religion.** This situation may arise in the event that the disbeliever has no family member

[1] Maraky al-Falah 338.

[2] Ibn Majah 1508.

[3] Maraky al-Falah 339.

present. In addition, the Muslim should not take great care in performing the *sunan* of the washing. The Muslim may follow the deceased body from a distance. This indicates that it is not possible for an apostate [*murtad*] to be washed for he has no creed, thus the *murtad* is placed in a hole as if placing the corpse of a dog. Note: The Muslim cannot enter the grave of an unbeliever because the curse may also descend upon him, and especially at this time, the Muslim is in need of Allah's Mercy. Ali narrated: I said to the Prophet ((God bless him and grant him peace)) "Your old and astray uncle has died." He (the Prophet) said, "Go and bury your father, and then do not do anything until you have come to me." Therefore, I went, buried him and came to him. He ordered me to have a bath, so I had a bath and he supplicated for me].[1]

ولا يصلى على باغ وقاطع طريق قتل في حالة المحاربة

Funeral prayer is not to be performed over a rebel even if he was Muslim. A rebel person is one who rebels against a just Muslim leader, and this is the agreed view.[2] **And neither over a highway robber who dies in the battle** as a result of his actions.

وقاتل بالخنق غيلة ومكابر في المصر ليلا بالسلاح

A murderer who killed his victims by strangulating them (is not to be prayed over) **and neither a determined transgressor who would take up arms at night time** as he ventured through the town, provided he dies in that state. With respect to the murderer, the reason is because he would course the earth spreading anarchy and ruin.

ومقتول عصبية وإن غسلوا

A person who is killed due to a family feud (or tribalism is not to be prayed over) **even if he is washed**. This is punishment and insult from Allah and a warning to others.

وقاتل نفسه يغسل ويصلى عليه

One who commits suicide on purpose and *not* due to extreme pain **is to be washed and prayed over** according to Abu Hanifa and Imam Muhammad, and it is the soundest view, because the deceased is a believer who has committed a sin. However, Imam Abu Yusuf held: prayer is not to be performed upon this person. However, the agreed view is that if it was an error or due to extreme pain, then the deceased is prayed over.[3]

لا على قاتل أحد أبويه عمدا

A murderer who killed one of his parents intentionally and unjustly is not to be prayed over as a punishment for him from Allah.

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[1] Abu Dawud 3214.

[2] Maraky al-Falah 340.

[3] Maraky al-Falah, 340.

فصل في حملها ودفنها

Carrying The Deceased And The Burial

يسن لحملها أربعة رجال وينبغي (لكل واحد) حملها أربعين خطوة

It is sunna for four men to carry the coffin and (each man) **is to carry it for forty steps.** The Prophet ((God bless him and grant him peace said)) [Whoever carries a coffin [*janaza*] forty steps, then forty major sins are expiated from him].[1] In addition, Abu Hurairah said [Whoever carried the bier by its four sides, then he has fulfilled what is upon him].[2] It is disliked for the coffin to be carried to the place of burial on the back of a riding beast without an excuse. Additionally, the coffin of a child is to be carried by one person, though the carrier will be changed four times.[3]

يبدأ بمقدمها الأيمن على يمينه ويمينها ما كان جهة يسار الحامل ثم مؤخرها الأيمن عليه ثم مقدمها الأيسر على يساره ثم يختم بالأيسر عليه

As stated, it is sunna for each person to carry the coffin for forty steps. This is performed as follows: **the carrier is to begin from the front right of the coffin carrying it upon his right shoulder,**[4] – **after which he is to** (slide backward and) **carry the back part on his right** shoulder. **He is then to carry the front left side of the coffin upon his left shoulder – and is to conclude** his carry **with the back part of the coffin** carrying it on his left shoulder. This process would ensure ten steps on each side, thus equalling forty. Imam Shafi'i said that the sunna is that two persons are to carry the coffin with the one in front placing it on the base of his neck and the one behind on the upper part of his chest. The basis is that the coffin of Sa'id ibn Mu'adth was bourne like this. We would say that this was due to the rush of angels bearing him.[5]

ويستحب الإسراع بها بلا خبب وهو ما يؤدي إلى اضطراب الميت

It is recommended to walk quickly with the coffin without surging forward in a way that leads to the shaking of the body. The Prophet ((God bless him and give him peace)) said [Be quick with the deceased, for if it was (a person who was) righteous, then you forward it to welfare, otherwise, you put off an evil thing down from your necks].[6] The sunna is to walk at a quick pace, but not the pace that leads to the shaking of the body.

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[1] Ibn 'Asakir in his History, 27/81 [Maraky al-Falah 341].

[2] Abdur-Rizak in his Musnaf 3/512 [Maraky al-Falah 341].

[3] Maraky al-Falah 341.

[4] Note: **the front right of the coffin will be on the left hand side of the carrier,** because the deceased is placed onto his back. To further explain: there is only one side at the front whereby one can place the coffin upon his right shoulder whilst moving forward with the coffin.

[5] At-Tabaqat of Ibn Sa'id [Al-Hidayah].

[6] Muslim 944.

والمشي خلفها أفضل من المشي أمامها كفضل صلاة الفرض على النفل

Walking behind the coffin is superior than walking in front of it, just like the obligatory prayer is superior to voluntary prayer. Ali ((God be pleased with him)) said [By the One who sent Muhammad with the truth, the greatness of walking behind the coffin over walking in front is like the greatness of the obligatory prayer over a voluntary one].[1]

ويكره رفع الصوت بالذكر

The audible remembrance of God is disliked when carrying the coffin. This includes audible recitation of Quran, for verily upon the people is silence or inaudible remembrance. There is no harm in weeping silently. And even to remind those of death should not be observed. The saying behind the coffin [*janaza*]: "Every living shall thing die" is an innovation. And it is disliked for women to join.[2]

والجلوس قبل وضعها

It is disliked to sit before the coffin has been placed from the shoulders of the carriers. The Prophet ((God bless him and grant him peace)) said [Whenever you see a funeral procession, stand up until the procession goes ahead of you or until it is put down].[3] Another hadith in Bukhari states that the Prophet ((God bless him and grant him peace)) said [When you see a funeral procession, you should stand up, and whoever accompanies it should not sit until the coffin is put down].[4]

ويحفر القبر نصف قامة أو إلى الصدر، وإن زيد كان حسنا

The grave is to be excavated to a depth of half the height of a man's body or to the height up to his chest if one was standing, **and if one excavates the depth further, it is better.**

There are two types of graves - the first type is known as *lahd*, which is a grave with an empty space dug into the side of the bottom of the grave, which is toward the direction of prayer and is large enough for the body. See the diagram.

The second type is *shaq*, which is a simple trench down in the middle of the floor of the grave, with low block walls raised along the trench sides, in which the deceased is placed before the ceiling of the wall is enclosed.

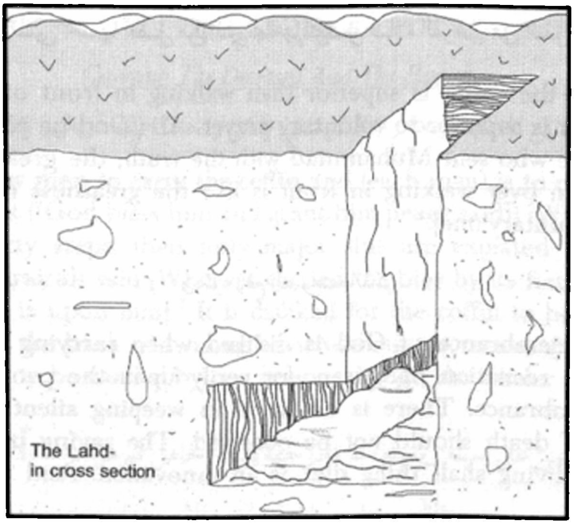
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[1] Transmitted by Abdul-Razzaq in his writing 3/448.

[2] Maraky al-Falah 342.

[3] Bukhari 1307, Muslim 958.

[4] Bukhari 1310.



ويلحد ولا يشق إلا في أرض رخوة

The deceased is to be buried in a lahd grave not in the shaq type (as it is superior). **Though if the earth is soft, it is preferable to use the shaq grave.** The Prophet ((God bless him and grant him peace)) said [The *lahd* is for us, and the shaq is for others].[1]

ويدخل الميت من جهة القبلة

The body of the deceased is to be inserted into the grave from the direction of the qibla with imam Shafi'i disagreeing. In his view, the body is to be pulled in from the feet of the grave due to the report that the Prophet ((God bless him and grant him peace)) was placed like this. The Hanafis maintain that the side of the qibla is revered, therefore, it is recommended to insert the body from this direction. The Hanafi argument is based on the narration in al-Bayhaqi that the Companions placed the Prophet in his grave from the side of the qibla. Though al-Bayhaqi maintains that this is a weak tradition. It may however be noted that at-Tirmidhi recorded a tradition on the authority of Ibn Abbas that the deceased should be placed in the grave from the side of the qibla. It is therefore evident that there is difference of opinion on the matter.[2]

يقول واضعه : بسم الله وعلى ملة سيدنا رسول الله صلى الله عليه وسلم

The person placing the body in the grave is to say, *"In the name of Allah and according the religion of the Messenger of Allah, may the blessings of Allah be upon him."* And it is of no harm whether there is one or two persons placing the deceased at the bottom of the grave. Though the sunna is that they be an odd number.[3]

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[1] Abu Dawud 3202.

[2] 'Awn al-Ma'bad, vol, 3, 205-06. Abu Dawud, vol 2, 913.

[3] Maraky al-Falah 343.

ويوجه إلى القبلة على جنبه الأيمن وتحل العقدة

The deceased is made to face the qibla, upon his right side as the Prophet ((God bless him and grant him peace)) ordered, when he said [The Bait al-Haram is your qibla, alive or dead],[1] **thereafter, the knot of the shroud is undone** as the Prophet ((God bless him and grant him peace)) ordered the knot of Samrah to be loosened.

ويسوى اللبن عليه و (يستحب) القصب

Unbaked bricks and bamboo (cane) pieces are then placed over the niche opening closing off the lateral hollow dug into the side of the grave (with respect to the lahd type where the body is placed). *Al-Jami al-Saga'ir* states that it is recommended to use mud and cane because a bundle of cane was used on the grave of the Prophet ((God bless him and grant him peace)).[2]

وكره الآجر والخشب

The use of baked bricks or wood is disliked as these take the rule of construction and beautification whereas the grave is the place of decay. Al-Hidayah states that the effect of fire on bricks is detested as it entails bad omen.

ويسجى قبرها لا قبره

It is recommended to curtain the grave of a female with a sheet until the bricks have been placed over the niche, **though not for the grave of a man**, unless there is a necessity, such as to repel rain. Ali ((God be pleased with him)) once passed by people who were burying a deceased, in which they placed a cloth. Thereupon Ali said [This is performed with women, not men].[3]

ويهال التراب

The grave is then filled with earth as a cover for the deceased. It is also recommended to sprinkle three scoops of earth upon the grave. The Prophet ((God bless him and grant him peace)) performed the funeral prayer and then attended the grave and inserted earth near the head thrice.[4]

ويسنم القبر ولا يربع

The grave is to be shaped like a hump and is not to be flattened into a square (cube) shape because the Prophet ((God bless him and give him peace)) prevented such actions.[5]

ويحرم البناء عليه للزينة

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[1] Abu Dawud 2869

[2] Ibn Abi Shaybah. Al-Zayla'i, vol, 2, 303/304. Al-Hidayah.

[3] Al-Baihaqi 4/34.

[4] Darqutani 2/27.

[5] Muslim 968.

To build something on the grave for beautification is unlawful. Buildings on graves have been emphatically denounced by the Prophet ((God bless him and grant him peace)) [The Prophet forbade the graves to be plastered, or they be used as sitting places or a building to be built over them].[1]

ويكره (البناء عليه) للإحكام بعد الدفن (لأنه للبقاء والقبر للفناء)

To build something strong upon the grave after the burial to strengthen it, is disliked because this will last for life times whereas the grave is the place of decay.

ولا بأس بالكتابة عليه لئلا يذهب الأثر ولا يمتهن

There is no harm in writing on (or marking the grave) to prevent its signs from vanishing and prevent it from being desecrated, and so it can be visited and respected and serve as a reminder to others.

ويكره الدفن في البيوت لاختصاصه بالأنبياء عليهم الصلاة والسلام

It is disliked to use the homes as a burial place, for this is specifically for the Prophets. Al-Kamal stated, "Neither the small child nor the adult is to be buried in the house they died in, for this is specifically for the Prophets."

ويكره الدفن في الفساقي

It is disliked to bury a deceased person in places termed *al-Fassaqy* (like a cellar, vault, or crypt) which is like an enclosure that is joint to the house, large enough to occupy a group of people standing. It is disliked because it is contrary to the sunna.

ولا بأس بدفن أكثر من واحد في قبر للضرورة ويحجز بين كل اثنين بالتراب

There is no harm in burying more than one body in a grave when there is a need, and between every corpse, there is to be a division with soil. This was what the Prophet ((God bless him and give him peace)) ordered in some battles, such as the battle of Uhud.[2]

ومن مات في سفينة وكان البر بعيدا وخيف الضرر، غسل وكفن وصلي عليه وألقي في البحر

Whoever dies on a ship and is away from land and it is feared that the body will cause harm to others, then the deceased is washed, shrouded and prayed over, and thereafter released into the water. Imam Ahmad Ibn Hanbal held that the deceased is to have a weight placed upon him in order to sink to the bottom of the ocean, and Imam Shafi'i held the same view if they are near the land of the enemy, otherwise the body is placed tightly between two planks to obviate bloating and thrown into the sea so that it reaches the shore.

ويستحب الدفن في مقبرة محل مات به أو قتل فإن نقل قبل الدفن قدر ميل أو ميلين فلا بأس به وكره نقله لأكثر منه

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[1] Muslim 910.

[2] Bukhari 1345.

It is recommended to bury the deceased in the cemetery of the area he dies in or is killed. There is no harm if the deceased is moved a distance of one or two miles before being buried because the distance to the place of burial may amount to that expanse. **Though it is disliked to transport the deceased more than this.** Likewise, it is disliked to move the body from one city or country to another.

ولا يجوز نقله بعد دفنه بالإجماع إلا أن تكون الأرض مغصوبة أو أخذت بالشفعة

After the deceased is buried (that is, earth has been filled on top), **it is not permitted to move the deceased to another location according to consensus, unless the land was taken by force** and the owner wants to remove all bodies and reclaim his right **or unless the ground is taken due to right of *Shuf'ah* (Preemption).** Shuf'ah or preemption can be simply defined as the right to purchase something before others. The Prophet ((God bless him and grant him peace)) said [Whoever has date-palm trees or land, should not sell it until he offers (the would-be bought thing) to his partner).[1] The neighbour is therefore more entitled to purchase the land before others. An example which pertains to Shuf'ah and the removal of the deceased is the following: a person who owned land sold it without informing his neighbour. This new owner then buries someone on the land. However, the neighbour who had forwarded a legal claim with the judge is awarded the land on the basis of preemption. As a result, this new owner is permitted to relocate the deceased body or bodies or he may opt to leave them.[2]

وإن دفن في قبر حفر لغيره ضمن قيمة الحفر ولا يخرج منه

If a person is buried in a grave that was excavated for someone else, then the value of the excavation is to be paid, and the deceased is not to be removed from the grave, for it is now his right.

وينبش لمتاع سقط فيه

It is permissible to unearth the grave to search for goods that fell in it such as clothes or money. It is also maintained that one should only remove soil from the area he believes the goods fell and extract them.

ولكفن مغصوب ومال مع الميت

It is also permissible **if shrouds were taken by force** or theft and their owner will not accept anything but the shrouds **or something valuable remained with the deceased** in which case it is permissible to unearth the grave and retrieve these effects. Abdullah ibn 'Amr said: When we went out along with the Apostle of God to al-Ta'if, we passed a grave. I heard the Messenger of God say, "This is the grave of Abu Righal. He was in this sacred house (sanctuary) protecting himself (from punishment). When he came out, he suffered the same punishment which his people suffered at this place and he was buried in it. The sign of it is a golden

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[1] Ibn Majah and an-Nasai.

[2] Maraky al-Falah 346.

bough which was buried with him. If you dig it out, you will find it with him. The people hastened to it and took out the bough."[1]

و لا ينبش بوضعه لغير القبلة أو على يساره والله أعلم

The grave is not to be unearthed if the deceased was placed in the grave facing a direction other than that of ka'bah or because the deceased was placed on his left side. The unearthing of the grave for these reasons is not permitted. **And Allah knows Best.**

[*Maraky al-Falah states*:] Many Hanafi scholars of recent times hold the view that gathering near the family of the deceased and remaining until people offer their condolences is disliked. Instead, when people return from the burial, they are to disperse and go about engaging in their own matters and leave the family of the deceased to deal with their duties. It is disliked to gather at the door or pathway of those who have suffered a calamity, for it is an act of the people of ignorance and the Prophet prohibited such a thing. This dislike also extends to gathering in the mosque. It is also disliked to be treated to a feast by the family of the deceased because being treated to a feast was sanctioned for joyful times and not for times of grief and it is a repulsive innovation.[2] The Prophet (God bless him and grant him peace) said [There is no slaughter [*'aqr*] in Islam].[3] Abdur-Razzaq said: they used to slaughter cows and other things at graves. And this is what is meant by the hadith for they would slaughter at the cemetery a cow or sheep. It is however recommended for the neighbours of the deceased or distant relatives to prepare food for the family of the deceased so that it would suffice them for the day and night. The Prophet ((God bless him and grant him peace)) said [Prepare food for the family of Ja'far, for there has come to them that which is keeping them busy or something which is keeping them busy].[4]

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[1] Abu Dawud 976.

[2] Ibn Abidin states: It is disliked to make food on the first day or third day or after one week; and likewise, taking food to the cemetery on special occasions (such as Eid) is disliked. The reality is that preparing or making food for the purpose of eating is disliked, though making food for the poor is fine. He said: all such acts are for the purposes of show and the desire to be heard; and they are therefore to be distanced from because the pleasure of Allah is not sought. [Note: there is no issue with reciting Quran over the dead. This is not the issue. The issue is that nowadays, the family of the deceased is expected to spend a vast amount of wealth on food and prepare a gathering where they call the righteous to recite the Quran; all of which is for the purpose of eating and not for the sake of God. The preparation of food in Islam is meant for good times and not for sad times]. Imam al-Qurtubi held in at-Tadhkira [118]: All such actions are deemed sunna nowadays and that to leave such a practice is regarded as an innovation; the situation has thus reversed. Ibn Abbas said: a year will not pass the people except that they remove in it a sunna and revive in that time an innovation; until the sunan are dead and the innovations are alive. A person will not practice the sunan and reject innovations except for the one who Allah has aided in disregarding the anger of the people toward him because of his acting contrary to their desire. [Maraky al-Falah 347].

[3] Abu Dawud 3222.

[4] Tirmidhi 1610.

It is recommended for men to offer their condolences and likewise for the women who will not cause discord [*fitna*]. This is based on the saying of Prophet Muhammad ((God bless him and grant him peace)) [There is no believer who consoles his brother for a calamity, but Allah will clothe him with garments of honour on the Day of Resurrection].[1] The Prophet also said [Whoever consoles a person stricken with a calamity will have a reward equal to his].[2] In addition, after one has consoled his brother once, it is not a requirement that he do so a second time.[3]

فصل في زيارة القبور

Visiting The Graves

ندب زيارتها للرجال والنساء على الأصح

It is recommended for men and women to visit the graves of the departed, **and this is the soundest view.** It has been stated by some scholars that it is forbidden for women to visit the graves, whereas the soundest view is that it is permissible for them to attend. The Prophet ((God bless him and give him peace)) said [Visit the graves, (as it) reminds you of death],[4] and Fatima would visit the grave of Hamza every Friday, whilst A'ishah visited the grave of her brother Abdur-Rahman. The sunna of visiting is to visit standing and to supplicate standing as the Prophet ((God bless him and give him peace)) performed when visiting al-Baqi'. A'ishah reported that whenever it was her turn for Allah's Messenger to spend the night with her, he would go out towards the end of the night to al-Baqi' and say, "Peace be upon you, abode of a people who are believers. What you were promised would come to you tomorrow, you receiving it after some delay; and God willing we shall join you. O Allah! Grant forgiveness to the inhabitants of Baqi' al-Gharqad."[5]

ويستحب قراءة يس لما ورد أنه من دخل المقابر فقرأ يس خفف الله عنهم يومئذ وكان له بعدد ما فيها حسنات

It is recommended to recite the surah *Ya-Sin* as it has been reported from Anas (God be pleased with him) that the Prophet said, "Whoever enters the graveyard and recites *Ya-Sin (offering its reward to the dead)*, Allah will relieve them therein and he acquires the reward equal to the number of them." The author explained that one who recites *Ya-Sin* and advances the rewards of recitation to the deceased shall receives rewards according to the number of deceased people therein as held by Imam al-Zayla'i,[6] and that the deceased is relieved from his punishment therein for that day.[7]

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[1] Tirmidhi 1601.

[2] Tirmidhi 1602.

[3] Maraky al-Falah 347-348.

[4] Muslim 974.

[5] Muslim 2126.

[6] Maraky al-Falah 349.

[7] Tuhfatu al-Ahwadhi 3/275.

Anas stated that he asked the Prophet (God bless him and give him peace), saying; "O Messenger of Allah, if we give sadaqa on behalf of our deceased, or perform hajj on their behalf, will that reach them? The Prophet (God bless him and give him peace) replied [Yes, it will, and they will be delighted just as one of you is delighted when a dish has been given to him as a gift].[1] Thus, a person may forward the rewards of his actions according to *Ahl as-Sunna wal-Jama'a* and this will reach and benefit the deceased as Imam Zayla'i stated. The Prophet ((God bless him and grant him peace)) said [Recite *Ya Sin* over your dead].[2] And as stated earlier, the word '*mawtaakum*' translated as dead or deceased in the above hadith leaves no reservation or doubt that the term and meaning is literal and real. And it is not permissible to leave the literal position unless there is proof to the contrary. It is therefore necessary that it be specified as literal with the saying '*mawtaakum*'.[3]

Therefore, one is to donate the rewards of his actions to others according to Ahl as-Sunna wal Jama'a. The basis is the narration of Ibn Umar who said that the Prophet said, "If one of you voluntarily gives charity and makes it on behalf of his parents, then they will receive the reward and his reward will not be deducted."[4] And this is regardless of whether the act is prayer, fasting, hajj, charity [*sadaqa*], the recitation of Quran, invocations and all other righteous acts. This will reach the deceased and benefit them as mentioned by Imam Zayla'i in the chapter of *Hajj On Another's Behalf.* Moreover, Ali narrated that the Prophet said, "Whoever enters a cemetery and recites surah Ikhlas eleven times after which he donates the rewards to the dead, he is given rewards as much as there is dead."[5]

Furthermore, in the explanation of al-Lubab, it states that one is to recite of the Quran that which easy upon him with respect to the Fatiha, the first part of the Baqarah as well as the last part including the verse al-Kursi. Likewise, Surah Ya-sin, Tabarak al-Mulk, Surah at-Takathur and al-Ikhlas twelve times or eleven times or even seven or three times is to be observed. Following this, one is to say, "O Allah! Allow the reward of what we have recited to go to so and so.[6]

The scholarly majority hold that the recitation of the Quran reaches the deceased whether it is recited at the grave or far from it, especially if the reciter on completion donates the reward of that recitation to the deceased. Furthermore, the reciter also receives the same reward without reducing anything from his reward or the reward of the deceased. The position of the Hanafis and Hanbalis is that a Muslim is entitled to donate the reward of any kind of worship he performs to whomever he wishes of the Muslim dead.

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[1] Al-Kamāl 2/313.

[2] Abu Dawud 880 and an-Nasai and Ibn Habban graded it a sound narration.

[3] Maraky al-Falah, 322.

[4] Tabarani fil Awsat 7/358 / Maraky al-Falah 350.

[5] Darqutani and mentioned by al-Ja'luni in Kashf al-Khafa 2/282. [Maraky al-Falah 350].

[6] Hashia Ibn Abidin.

ولا يكره الجلوس للقراءة على القبر في المختار

There is no dislike if the reciter of Quran sits near the grave in order to recite the Quran in tranquillity, **and this is the opted view.**

وكره القعود على القبور لغير قراءة ووطؤها

It is disliked to sit near the grave for other than reciting Quran. In addition, it is disliked to step or walk upon a grave due to lack of respect. Abu Hurairah reported the Prophet ((God bless him and give him peace)) as saying [It is better that one of you should sit on live coals which could burn his clothing and come in contact with his skin, than he should sit on a grave].[1]

والنوم وقضاء الحاجة عليها

It is disliked to sleep on a grave and it is prohibitively disliked to relieve oneself on a grave whether it is urinating or defecating.

وقلع الحشيش والشجر من المقبرة

To remove moist grass or trees from the graves is disliked for the reason that as long as the grass or trees remain moist, they supplicate to Allah. And with the remembrance of Allah, His Mercy descends, upon which the deceased is relieved. The proof is the Prophet's actions when he passed by two graves. He took a green branch of a date-palm tree, split it into two parts, and fixed one on each grave. The people said, "O Messenger of Allah! Why have you done so?" He replied, "I hope that their punishment may be lessened till they (the leaves) become dry."[2]

ولا بأس بقلع اليابس منها

Though there is no harm in removing dry grass or trees because their purpose has ended, i.e. their invocations.

باب أحكام الشهيد

The Rules Of Martyrdom (Shahada)

Literally, the term Shahid has many meaning; such as: a) the one whose testimony is true and b) one who dies in the path of Allah. It is given this expression (i.e. dying in the path of Allah) because the angels of mercy bear witness to him or because he has present with him that which will testify to his actions, namely his blood and injuries; or because he witnessed *dar al-Salam* with the exiting of his soul. And Allah knows best. The term Shahid in its legal sense, is given below.

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[1] Muslim 971.

[2] Bukhari 1361.

حقيقة الشهيد شرعا

The Reality Of A Martyr (Shahid) According To Islamic Law

المقتول ميت بأجله عندنا

A person who is killed has died in his fixed time according to *Ahl-as-Sunna wal-Jama'a*. That is, he has died in the time Allah decreed for him regardless of the cause of death.

والشهيد من قتله أهل الحرب أو أهل البغي أو قطاع الطريق أو اللصوص في منزله ليلا ولو بمثقل أو وجد في المعركة وبه أثر أو قتله مسلم ظلما عمدا بمحدد ، وكان مسلما بالغا خاليا عن حيض ونفاس وجنابة ، ولم يرتث بعد انقضاء الحرب

A Shahid is one who is killed by combatants of war, or rebels or by a highway robber (regardless of the murder weapon), **or is killed by a thief in his home at night** (or day) **even if it is with a heavy object,** such as a rock or solid entity. **Additionally, one is deemed a Shahid if he is found on the battlefield and the signs of injury are manifest,** such as damage, breakage, burning or blood from the eyes or nose; **or he is killed deliberately by a Muslim from oppression with a sharp instrument,** such as a knife/sword. **And in all these cases, *the person killed* is Muslim, mature and free from menstrual periods, postnatal bleeding and sexual impurity [*janaba*] and is not *murtatha*, meaning his death is not delayed until after the end of battle,** it is before. If for example one remains alive for a period of time while the battle is still ongoing and then dies, he is regarded as a Shahid. Though if he lives on and dies after the battle ends, then he is regarded as *murtatha*. *Murtatha* according to scholars is one who is carried away from the battlefield injured, though still alive and dies after the battle ends.[1]

ما يصنع مع الشهيد

What Is Done With A Shahid

فيكفن بدمه وثيابه ويصلى عليه بلا غسل . وينزع عنه ماليس صالحا للكفن كالفرو والحشو والسلاح والدرع

The Shahid is shrouded with his blood and clothes, is prayed over and not given a bath. Ibn Abbas ((God be pleased with him)) said: "The Apostle of Allah ((God bless him and give him peace)) commanded to remove weapons and skins from the martyrs of Uhud, and that they should be buried with their blood and clothes."[2] **The deceased is removed of effects that are not suitable as shrouding such as armour, weapons, wool or sponges,** as the Prophet ((God bless him and give him peace)) ordered in the above hadith.

[1] Nur al-Idah 188

[2] Abu Dawud 3128.

ويزاد وينقص في ثيابه

One is to add or take away from the clothes of the Shahid if he is not wearing enough to fulfil the sunna or is wearing in excess of the sunna shrouding.

وكره نزع جميعها

It is disliked to remove all of the clothes of the Shahid. This is so that the marks of battle remain on him.

The Following Are To Be Washed According To Abu Hanifa

ويغسل إن قتل جنبا أو صبيا أو مجنونا أو حائضا أو نفساء

The Shahid is washed if he is killed in the state of sexual impurity [*junuba*] or is a boy, insane or in the state of menstrual periods [*hayd*] or postnatal bleeding [*nifas*] according to Abu Hanifa.[1] The reason is Handhalah Ibn Rahib (Allah be pleased with him) was martyred on the day of Uhud, thereupon the Prophet ((God bless him and grant him peace)) said [I saw the angels washing Handhalah Ibn Abi Amir between the sky and the ground with nimbus and water]. Abu Sa'id then said, "We went and observed him and his head was dripping with water." The Prophet (God bless him and grant him peace) then sent us to inform his wife, upon which she informed us that he was in a state of sexual impurity].[2] And the reason with respect to the boy and insane is that the sword compensates for the washing of persons who are characterised with sin, though for a boy and insane person they are free of this attribute of sin. Hence, they are not included in the meaning of the Shuhada of Uhud.

أو إرتث بعد انقضاء الحرب بأن أكل أو شرب أو نام أو تداوى أو مضى وقت الصلاة وهو يعقل أو نقل من المعركة لا لخوف وطء الخيل ، أو أوصى أو باع أو اشترى أو تكلم بكلام كثير

Likewise, **a person whose death is delayed until after the battle has ceased is to be washed.** This is called *irtithath.* This person is no longer regarded as being in the category of the Shuhada of Uhud for the reason that he has used the faculties of life. The person will still be rewarded as a Shahid but will not be considered among those martyrs who are exempt from the major bath before burial. **The status of *irtithath* is achieved by eating, drinking, sleeping or taking medicines** after the battle has ended. **It is also staying alive until the time of a written prayer passes during which one is sane. Likewise, one is regarded murtatha by being transferred from the battlefield** to seek treatment, **not for fear of being crushed on by a horse, or he left instructions preparing for death, or he sold, bought or spoke many words,** in which case he is given the status of irtithath and is subsequently washed. However, with respect to the ruling of the hereafter, one is deemed a

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[1] Maraky al-Falah 354.

[2] Ibn Habban 15/495, Hakim al-Mustadrak 3/225.

Shahid and will receive the reward promised for a Shahid.[1] The reason one is deemed murtatha is because he has availed the faculties of life and has been governed by the rule of the living. The Shuhada (Martyrs) of Uhud died thirsty even though water was being circulated amongst them. They did not accept it for fear that they might lose this honour of Shahada. They were removed from the battlefield so that animals would not trample on them. Beyond this, they did not enjoy any rest.[2]

وإن وجد ما ذكر قبل انقضاء الحرب لا يكون به مرتثا

If however, one of the abovementioned points occurs (such as eating or drinking) **before the battle ends, then one is not classified as *murtatha* by such actions**; rather he is deemed a Shahid

ويغسل من قتل في المصر ولم يعلم أنه قتل بحد ظلما أو قتل بحد أو قود ويصلى عليه

A person who dies in the city (or other place) **and the cause of death is unknown; that is, it is not known whether he was killed because of oppression or because someone exercised the penalty of *hadd* upon him** (legally executed by order of the judge for crimes committed) **or whether it was a result of an eye for an eye, then such a person is bathed and prayed over.** Such persons are not considered Shuhada.

In sum, a complete Shahid (in this life and the hereafter) is one who is sane, mature, Muslim, free from major impurity, who dies after being struck (to the extent that he does not eat, drink, sleep, seek medical treatment or removed from the battlefield alive – rather he is removed dead). The ruling according to Abu Hanifa is that he is not bathed and is shrouded with his clothes after being stripped of that which is not fitting for shrouding, such as weapons, armour and the like. He is prayed upon and buried with his blood and clothes. The second type of Shahid is regarded as a Shahid of the hereafter; and it is the one who is missing one of the above conditions, such as being killed in the state of sexual impurity, menses, or is a boy, insane or did not die after being struck (but lived on), or is killed by accident. Such persons are deemed Shuhada of the hereafter but are not classified as complete Shuhada. They will receive the reward that Allah promised the Shahid. Such persons are bathed, enshrouded, and the prayer over them is like the prayer of others. Persons similar to Shuhada of the hereafter are those who die by drowning, burning, or one who dies as a result of the collapse of a wall, or during the path of seeking knowledge, tuberculosis, fever and so forth. They are to be washed, shrouded and prayed upon even though they are Shuhada of the hereafter.[3]

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[1] Maraky al-Falah 354.

[2] Al-Hidayah.

[3] Fiqh al-Islamy, Ibrahim as-Salkini 297-298.

The Chapter of 'Fasting

Book IV: The Chapter Of Fasting

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فصل في كتاب الصوم

The Chapter Of Fasting[1]

حقيقة الصوم

The Reality (Definition) Of Fasting

هو: الإمساك نهارا عن إدخال شيء عمدا أو خطأ، بطنا أو ماله حكم الباطن، وعن شهوة الفرج بنية من أهله

Fasting is to abstain during the day from allowing anything to enter into the stomach through the mouth, nose, or cavity in the body, **whether intentionally or by mistake; or that which has the same legal status of the stomach** such as the brain.[2] **In addition, fasting is to abstain from sexual gratification;**[3] and one's abstention from eating, drinking or sexual gratification is to be **in unison with the intention of fasting.**[4] **Equally, this abstention is to be from a person who fits the criteria for fasting,** such as being Muslim, sane, mature, and free from menstrual bleeding and postnatal bleeding. Note: with respect to the intention (*which is knowing in one's heart that one will fast that day*), it is rare that one would fast without an intention. In the exceptional case that one does not intend the fast overnight, then one may still do so up to the time just prior to midday.

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[1] Lexically, fasting is to refrain – whether it is refraining from speaking, actions, eating, drinking or from other things. The legal definition of fasting is given above.

[2] For example: if a person suffers an injury and he places medicine upon it; the fast is void if the medicine penetrates the cavity and enters the body.

[3] Such as sexual intercourse or to emit sexual discharge due to foreplay.

[4] The intention of fasting is to have a firm resolve in one's heart upon the act in order to distinguish one act from another. And to make one's intention with the tongue is not conditional. Furthermore, the intention is required regardless of the type of fast, such as the obligatory, wajib, voluntary; even the make-up fast [*qada*]. Al-Ikhtiyar states: that the intention of fasting is a stipulation, and it is to know in one's heart that one will fast. It is not conditional that the intention be affirmed on the tongue; and there is no disagreement concerning the beginning of the time of intention, which is when the sun sets; though they disagree concerning its end time. Zufar said, "The intention is not conditional for the resident of sound health, because the time is specified, such that no other act of fasting is accepted in that period except Ramadan. Therefore, if one refrains from that which the law has commanded, then it fulfils the obligation of Ramadan." We say, "It is an act of worship that cannot be valid without an intention, just like all the other acts of worship; and because the Prophet said [Action are by intentions]; and also because refraining from eating, drinking or sexual gratification may be the normal habit or routine for many people; or it may a remedy for the sick or it may be a diet for those who exercise. The only way to specify this is with an intention, such as one does when rising for prayer." As for the permissibility of allowing the intention (of fasting) to be formed all the way up to midday (prior to the sun reaching its peak), we say that Ibn Abbas reported that the people awoke on the day of uncertainty. A bedouin came and said, "I have sighted the moon." The Prophet asked him, "Do you testify that there is no god except Allah and that I am the Messenger of Allah?" He replied, "Yes." The Prophet said, "Allah is great, one Muslim is enough for the Muslims." He then began the fast and ordered others to fast. He ordered a caller who called, "Those who have eaten should not eat for the remainder of the day and he who has not eaten is to fast. (Abu Dawud 2340 / at-Tirmidhi 691 / an-Nasai fil Mujtaba vol. 3, 132 / Ibn Majah 1602. Ibn Khuzayma authenticated the hadith 1924 / Ibn Habban 3446). [Al-Ikhtiyar 181-183].

سبب وجوب الصوم

The Cause Which Obligates Ramadan

وسبب وجوب رمضان شهود جزء منه ، وكل يوم منه سبب لأدائه

The cause, which obligates the fasting of Ramadan, is one's presence in the time that is correct to fast, (this therefore excludes the night). **And the arrival of each day of Ramadan is a reason obligating one to fast** that particular day. We said earlier with respect to prayer, that when the prayer time arrives, one is obligated to pray. Likewise, the arrival of the month of Ramadan is a cause obligating one to fast its month, and each day is a cause for the fast of that day. Thus, the month of Ramadan is a general cause, while each day is the cause for the fast of that day. Al-Ikhtiyar states; "The intention of fasting is condition for each day, because each day is a day of worship one by one. Does one not see that if one ruins a day of the fasting, that it does not prevent the rest of the days from being correct?[1] Additionally, if a person matured or embraced Islam during Ramadan, then he is required to fast that which remains of that day and the rest of Ramadan and not what has passed.[2]

حكمه وشروط افتراضه

Its Ruling And The Conditions That Render It Obligatory

وهو فرض أداء وقضاء على من اجتمع فيه أربعة أشياء

It is obligatory to perform the current Ramadan as well as making up an unperformed Ramadan which was missed, provided one meets four conditions, and they are;

الإسلام والعقل والبلوغ

Islam, sanity and maturity. One must be Muslim, for the verses of Quran and hadith with respect to Ramadan are aimed at Muslims. Also, fasting is not compulsory upon an insane person or one who has not attained maturity.

والعلم بالوجوب لمن أسلم بدار الحرب ، أو الكون بدار الإسلام

To have knowledge that it is obligatory is required by law. This is therefore a condition **for those who accept Islam on enemy land** where there is little likelihood in knowing the requirements. One who lacks this knowledge on enemy land is not obliged to fast provided he became Muslim in that place. However, one may become aware of this obligation by being informed by two upright Muslims, though the two companions maintained that it is not a condition that they be upright. **In contrast, a person being on Muslim land** makes Ramadan obligatory because ignorance is no excuse for him in this situation.

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[1] Al-Ikhtiyar 182.

[2] Maraky al-Falah 356.

شروط وجوب أداء الصوم

Conditions That Obligate One To Fast Ramadan

ويشترط لوجوب أدائه : الصحة من مرض وحيض ونفاس والإقامة

The conditions that make it obligatory to fast Ramadan are; to be free from ill health,[1] **menstrual periods or postnatal bleeding and to be a resident.** If one is travelling, then fasting is not compulsory, though if it is achievable, then it is better to undertake its performance.

شروط صحة أداء الصوم

The Conditions That Validate The Fasting Of Ramadan

ويشترط لصحة أدائه ثلاثة : النية والخلو عما ينافيه من حيض ونفاس وعما يفسده

The conditions that validate the fasting of Ramadan are three; they are, a) the intention, b) to be free from anything that is contrary to fasting, such as menstrual periods or postnatal bleeding and c) to be free from all things that break the fast.

ولا يشترط الخلو عن الجنابة

It is not a condition to be free from sexual discharge. This means that a person may have had unconscious discharge while sleeping, or one may have had intercourse prior to dawn and did not remove the filth until after dawn. This discharge that remains on the body or clothes until after the dawn arrives does not affect the fast.

ركن الصوم

The Pillar Of Fasting

وركنه الكف عن قضاء شهوتي البطن والفرج وما ألحق بها

The pillar of fasting is to abstain from the desire for food, sexual intercourse and that which has the same legal status of both, such as medicine entering the body through a deep cut.

أثر الصوم

The Outcome Of Fasting

وحكمه: سقوط الواجب عن الذمة . والثواب في الآخرة والله أعلم

The legal consequence that is derived from fasting is: the compulsory obligation that one is obliged to perform is cleared. And the individual is rewarded in the hereafter, by the will of God and Allah knows best.

[1] The law requires that one be of sound health. If one is ill, then he is permitted to break the fast and make up the day when he recovers.

فصل

أقسام الصوم ، وبيان كل قسم

The Types Of Fasts And The Description Of Each Type

ينقسم الصوم إلى ستة أقسام

Fasting is divided into six types;

فرض وواجب ومسنون ومندوب ونفل ومكروه

1- **Obligatory** (fard)	2- **Necessary** (wajib)	3- **Sunna**
4- **Recommended** (desirable)	5- **Voluntary** (nafl),	6- **Disliked.**

أما الفرض ، فهو: صوم رمضان أداء وقضاء وصوم الكفارات والمنذور في الأظهر

1- **As for the obligatory fasts, they are, i) the fasting of the current Ramadan or an unperformed Ramadan, ii) expiation fasts** (kaffarah) which a person must perform should he violate certain rules during Ramadan, and **iii)** ***nidhr*** (which is the fast one vows to perform, **and this is according to the evident view** due to the saying of Allah [Then let them abide by their vows].[1]

وأما الواجب فهو: قضاء ما أفسده من نفل

2- **As for the** ***wajib*** **type of fast, it is the voluntary fast that was ruined** (meaning, if a person begins to observe a voluntary fast and thereafter breaks it, then it becomes necessary to make up as an act of worship).

وأما المسنون فهو: صوم عاشوراء مع التاسع

3- **As for the sunna type, it is the day of Ashura** (which is the 10th day of Muharram) **including the 9th**. The Prophet ((God bless him and grant him peace)) sent a person on the morning of Ashura to the villages of Ansar around Medina (with the following message): He who got up in the morning fasting (without eating anything) should complete his fast and he who had breakfast in the morning, should complete the rest of the day (without food). The Companions said; We henceforth observed that.[2]

وأما المندوب فهو: صوم ثلاثة من كل شهر. ويندب كونها الأيام البيض ، وهي : الثالث عشر والرابع عشر
والخامس عشر

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[1] Al-Hajj 29

[2] Muslim 1135.

4- The recommended fast is the fasting of three days of every month. And it is desirable to perform these days in the white days of every lunar month, which is the 13th, 14th and 15th. They are named the white days at that time, because the light of the moon is strongest and the brightest as Abu Dawud narrated [The Prophet ((God bless him and grant him peace)) would order us to fast the three white (days) of 13th, 14th and 15th. The Prophet said, "This is like keeping perpetual fasts."[1]

وصوم الإثنين والخميس

It is recommended to fast on the Mondays and Thursdays of each week. The Prophet ((God bless him and grant him peace)) said [The works of the servants are presented (to Allah) on Monday and Thursday, so I like that when my works are presented, I am observing fast].[2]

وصوم ست من شوال . ثم قيل : الأفضل وصلها وقيل : تفريقها

It is recommended to fast six days of the month of Shawwal, and it has been said that these six days are to be fasted consecutively (immediately following Eid-al-Fitr), though it has also been said that the six days can be fasted intermittently. The Prophet ((God bless him and grant him peace)) said [He who observed the fast of Ramadan and followed it with six (fasts) of Shawwal, it would be as if he fasted perpetually].[3] Meaning, Allah multiples good by ten times, thus by fasting thirty days of Ramadan it comes to three hundred, and fasting the six says of Shawwal brings a reward of sixty days. Thus, fasting for thirty-six days equals to fasting the entire year. There is some difference of opinion among the jurists whether fasting for six days successively, immediately after Eid al-Fitr is superior to fasting six days randomly throughout the month of Shawwal. Imam Shafi'i, Ahmad and Abu Dawud hold the view as six consecutive days.

وكل صوم ثبت طلبه والوعد عليه بالسنة ، كصوم داود عليه الصلاة والسلام كان يصوم يوما ويفطر يوما وهو

أفضل الصيام وأحبه إلى الله تعالى

It is recommended to fast any day which is established as being mentioned by the Prophet and one which the sunna promises reward for, such as the fasting of Dawud (Peace be upon him) in which he would alternate his days by fasting one day and breaking the next. This is the best fasting and the most beloved to Allah as the Prophet ((God bless him and grant him peace)) said [Fast one day and break the other day. That is known as the fasting of Dawud and that is the best fasting].[4]

وأما النفل فهو سوى ذلك مما لم يثبت كراهيته

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[1] Abu Dawud 2443.

[2] At-Tirmidhi, the Book of Fasting 747.

[3] Muslim 1164.

[4] Muslim 1159.

5- **As for voluntary fast, it is that which is not mentioned in the above categories, provided it is not established as a day that is disliked to fast.** Meaning, if it is established that there is *no dislike* in fasting on a particular day, then there is no harm in undertaking its performance.

وأما المكروه فهو قسمان ، مكروه تنزيها ومكروه تحريما

6- **As for that which is disliked, there are two types. The first is somewhat disliked and the second is prohibitively disliked.**

الأول : صوم عاشوراء منفردا عن التاسع

The first type (which is somewhat disliked), is fasting the day of Ashura alone (10th Muharram) without joining with it the 9th of Muharram. Ibn Abbas ((God be pleased with him)) said; When the Prophet ((God bless him and give him peace)) fasted the day of Ashura and commanded us to fast on it, they (the Companions) said; "Apostle of Allah, this is a day which is considered great by the Jews and Christians." The Apostle of Allah ((God bless him and grant him peace)) said, "When the next year comes, we shall fast on the 9th of Muharram." But the next year the Apostle of Allah breathed his last.[1] This indicates that one is to fast the 9th and 10th of Muharram.

والثاني : صوم العيدين وأيام التشريق

The second type of fast that is prohibitively disliked [*makruh tahrim*], **is the fasting on the day of Eid al-Fitr, Eid al-Adha and the days of tashriq**, which are the 11th, 12th and 13th from the month of Dhul- Hijjah. Abu 'Ubaid, the freed slave of Ibn Azhar reported; I performed Eid along with Umar Ibn al-Khattab (Allah be pleased with him). He came out in an open space and prayed and after completing it addressed the people and said; "The Messenger of Allah ((God bless him and give him peace)) has forbidden fast on these two days. One is the day of Fitr and the second one, the day when you eat (the meat) of your sacrifices."[2]

وكره إفراد يوم الجمعة

It is disliked to single out Friday alone for a day of fasting, unless it coincides with one's regular days of fasting or unless one connects the Friday with the previous day or day after. The Prophet ((God bless him and grant him peace)) said [Do not single out Friday among days for fasting unless one among you is accustomed to fast (on days) which coincide with this (Friday)].[3] The Prophet ((God bless him and grant him peace)) said [None of you must fast on a Friday unless he fasts the day before or after].[4]

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[1] Abu Dawud 2439.

[2] Muslim 1137.

[3] Muslim 1144.

[4] Abu Dawud 2414.

وإفراد يوم السبت

It is disliked to single out Saturday for a day of fasting unless one connects the Saturday with the day before or after it, or unless it coincides with one's regular days of fasting.

ويوم النيروز أو المهرجان إلا أن يوافق عادته

It is disliked to fast on the day which is celebrated by Persians; and the day celebrated by atheists (i.e. the first day of autumn), unless these coincide with one's regular days of fasting.

وكره صوم الوصال ولو يومين، وهو: أن لا يفطر بعد الغروب أصلا حتى يتصل صوم الغد بالأمس

It is disliked to perform continuous (uninterrupted) days of fasting, even if it is only for two days; and the description of this is; on the first day of fasting, one does not break his fast after the sunset until he has fasted the next day and reached its night. Ibn Umar said that the Prophet (God bless him and grant him peace) forbade continuous uninterrupted fasting. They (some Companions) said, 'You yourself fast uninterrupted,' whereupon the Prophet ((God bless him and grant him peace)) said, "I am not like you. I am fed and supplied drink (by Allah) during the night."[1] Commentators are of the view that the observance of uninterrupted fasts was the special prerogative of the Prophet (God bless him and grant him peace).

وكره صوم الدهر

It is disliked to fast for one's entire life (that is, every day for the majority of one's life) for the reason that one will become weak and the fasting will become a routine in which the purpose of fasting is lost.

[1] Bukhari 1961.

فصل فيما يشترط تبييت النية وتعيينها فيه، وما لا يشترط

The Types Of Fast That Requires One To Be Specific In The Intention Prior to Dawn; And When It Is Not Conditional

Note: there are several types of fasting where a person is required to be specific in his intention - and to make the intention at night prior to dawn. There are also other types where this specification is not required.

الصوم الذي لا يشترط فيه تعين النية

The Fasting That Does Not Require A Person To Be Specific In The Intention, Nor To Form The Intention At Night (Prior To Dawn)

أما القسم الذي لا يشترط فيه تعيين النية ولا تبييتها فهو

As for the type of fasting for which it is not conditional to be specific in the intention, nor to make the intention at night prior to dawn is when;

أداء رمضان

1- **One is fasting the month of Ramadan**; for indeed, the fast is valid if the intention is made during the night itself (from sunset) until a short period before the noontime. Hence, it is not a condition to be specific in the intention, nor to make it at night prior to dawn.

والنذر المعين زمانه والنفل

2- It is not a condition when **one has vowed to fast a specific day**. This means, if a person has vowed to fast on a particular day, he is not required to be specific in the intention, nor to make it at night when that day arrives. For example, on Monday, one vowed to fast on Thursday. Therefore, on Thursday it is not a requirement to be specific in the intention, nor to form the intention prior to dawn. The fast is valid with an intention made during the period, which is from sunset the previous night until just before midday.

3- **Likewise, it is not a condition for voluntary fasts** (nafl).

فيصح بنية من الليل إلى ما قبل نصف النهار على الأصح ونصف النهار: من طلوع الفجر الى وقت

الضحوة الكبرى

These three types of fast[1] are valid if one makes the intention during the night itself up to a short time before midday. And the description of this period "*midday*" is from the break of dawn until the time *before* the sun reaches its peak. *This means it is valid to make the intention for the above types of fast from any time from sunset the night before - up to the midday of the actual day of fasting (prior to the sun's zenith.*

[1] That is, a) Ramadan, b) a vowed fast which is specified for a particular time and c) nafl.

A'ishah ((God be pleased with her)) reported, The Prophet ((God bless him and give him peace)) came to me one day and said, "Is there anything with you (to eat)?" I said 'no'. Thereupon he said, "I shall then be fasting."[1]

ويصح أيضا (كل من أداء رمضان، والنذر المعين، والنفل) بمطلق النية ، وبنية النفل (أيضا) ولو كان مسافرا أو مريضا في الأصح

These three types of fasts are also valid with a *general (unspecified)* intention of fasting or an intention of a *voluntary fast*, even if the person (who intends them) is a traveller or sick, and this is the most correct opinion. Meaning, if any person whether he is a traveller or sick person forms a general intention without specifying the kind of fast to be observed or an intention for a voluntary fast during Ramadan, then it counts as Ramadan. The reason this is permissible is because Ramadan is already in a fixed time and therefore does not need to be specified and according to the Sacred law; no one can perform other fasts during Ramadan, except the fasts of Ramadan. In the principles of fiqh, this is termed *wajib Mudayyiq*. This also applies to a vowed fast which one has specified with respect to its timing. For example; a person who *vowed* to fast on Monday can intend this day as a voluntary fast and the *vow of fasting that day* is thereby achieved through this intention. This is because the day has previously been specified, and for this reason one is permitted to have a general or voluntary intention.[2]

ويصح أداء رمضان بنية واجب آخر لمن كان صحيحا مقيما ، بخلاف المسافر فإنه يقع عما نواه من الواجب

It is valid to fast the month of Ramadan with the intention of performing another *wajib* fast, though the wajib fast is not valid. **And this rule applies only to one of sound health or a resident, though contrary to the traveller** for the reason that Ramadan is not compulsory on the traveller, which means if he intends a *wajib* fast, such as a vow fast, **then whatever he intends of the *wajib* fast is accepted** and not Ramadan, as is one narration from Abu Hanifa. Though the two Companions maintained that it is Ramadan that is accepted.

واختلف الترجيح في المريض إذا نوى واجبا آخر في رمضان

There is difference of opinion amongst the scholars about the sick person who intends another *wajib* fast during his fasting of Ramadan, (whether the wajib fast is accepted, or whether it counts as Ramadan). *Shams al-A'imma* stated that the soundest view is, *'It is regarded as Ramadan and not the wajib fast,'* and this is reiterated in the book al-Burhan. Though Imam Hasan stated that whatever one intended is what is accepted, and this view was opted by the author of al-Hidaya.[3]

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[1] Muslim 1154.

[2] Maraky al-Falah 362.

[3] Maraky al-Falah 363.

Table 1 displays what is and is not fulfilled for a person who intends another wajib fast during Ramadan whereas table 2 summarises the different intentions which are valid for Ramadan.

Table 1

Resident and healthy person intending another wajib fast in Ramadan	Ramadan is accepted, whilst the wajib fast remains outstanding.
Traveller intending another wajib fast in Ramadan	The wajib fast is fulfilled.
A sick person intending another wajib fast in Ramadan	Scholars differed as to which is fulfilled.

Table 2

	Valid with	Valid with	Valid with
Performing Ramadan	A general unspecified intention of fasting.	With the intention of a voluntary fast.	Ramadan is valid with the intent to perform other wajib fast, though the day is counted as Ramadan and not the wajib fast. Applies only to a resident or one of sound health
Performing a vow fast which is specified (for a certain time)	A general unspecified intention of fasting	With the intention of a voluntary fast	
Performing a voluntary fast	A general intention		

ولا يصح المنذور المعين زمانه بنية واجب غيره ، بل يقع عما نواه من الواجب فيه

A promised fast which is specified with respect to its timing, such as on a particular day is considered unfulfilled if one performs the fast on that day with a different *wajib* intention. Verily, what is accepted is the different *wajib* intention intended on the day. Meaning; if a person vowed to fast a specific day, and upon arrival of that day, this person performed the fast intending a different *wajib* fast then what is accepted is the latter, while the original specified fast remains a debt which must still be fulfilled.

الصوم الذي يشترط فيه تعيين النية

The Fasting That Requires One's Intention To Be Specific, And To Form It The Previous Night

وأما القسم الثاني وهو: ما يشترط له تعيين النية وتبييتها فهو

As for the second type, it is a condition to be specific in the intention (for the fast to be offered) the previous night prior to dawn. This is required,

قضاء رمضان

1- **When one is making up an unperformed Ramadan** (that is, *qada*).

وقضاء ما أفسده من نفل

2- **When one is making up a ruined voluntary fast,** (that is, the *qada* of nafl).

وصوم الكفارات بأنواعها

3- **When one is performing the expiation fasts** *(kaffarah)*, **as well all the other types of expiation fasts** such as the expiation of breaking an oath.

والنذر المطلق كقوله : إن شفى الله مريضي فعلي صوم يوم ، فحصل الشفاء

4- **It is also conditional when one vows to fast in a general way, such as the saying** ***"If God alleviates my illness, then I will fast a day"*** **and thereafter he regains good health.** Hence, when this person decides to honour this day, he is required to be specific in his intention and make it the previous night prior to dawn.

فصل فيما يثبت به الهلال وفي صوم الشك وغيره

Sighting The Moon And Fasting On The Day Of Doubt

ثبوت هلال رمضان

Establishing The Moon Of Ramadan

يثبت رمضان برؤية هلاله أو بعد شعبان ثلاثين إن غم الهلال

Ramadan is established when the moon is sighted. And if the moon is not visible, the people are to complete the month of Sha'ban as thirty days and then begin fasting. The Prophet (God bless him and grant him peace) said [Fast when you see it, and break your fast when you see it and if the weather is cloudy, calculate it (i.e. the month of Sha'ban) as thirty days].[1] Note: The lunar months consist of either twenty-nine days or thirty days. If the sky is clear, the people begin and end fasting with the sighting of the new moon and if the sky is overcast then they have been instructed to complete thirty days of Sha'ban and thereafter begin the fasting.

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[1] Muslim 1080.

يوم الشك وصومه

The Day Of Doubt (Uncertainty)

ويوم الشك هو: ما يلي التاسع والعشرين من شعبان. وقد استوى فيه طرف العلم والجهل بأن غم الهلال

The day of doubt is the day after the twenty-ninth day of the month of Sha'ban. Due to overcast conditions that have concealed the moon on this doubtful day, there is an equal measure of knowledge and ignorance with respect to the reality of the situation.

وكره فيه كل صوم إلا صوم نفل جزم به بلا ترديد بينه وبين صوم آخر

It is disliked to fast during this day except a voluntary fast that one is firm about with no wavering (in the intention) **between it and between other fasts.** Hence, the intention of a voluntary fast must be firm with no wavering or hesitation. The Prophet ((God bless him and give him peace)) said [The day of doubt is not to be performed as a fast on the belief that it is Ramadan, rather it is observed as a voluntary fast].[1]

وإن ظهر أنه من رمضان أجزأ عنه ما صامه

If it appears that this day is from Ramadan, then one's voluntary fast suffices for that of Ramadan. In other words, what one fasted is valid for that of Ramadan. Note, this issue has several variations. ***First***, if a person forms the intention of Ramadan, it is disliked. Though if it becomes evident that it is from Ramadan, then his fast is valid (as that of Ramadan) because he witnessed the moon and maintained the fast. If it becomes clear that it is still the month of Sha'ban, then his fast is regarded as a voluntary one. ***Second***, if a person forms an intention of another wajib fast, it is also disliked, except that this dislike is lesser than the first case. If it then becomes evident that this day is from Ramadan, then his fast is valid (as that of Ramadan) due to existence of the basic intention. If it appears that it is the day of Sha'ban, then it is regarded for him as a voluntary fast. ***Third***, a person may form the intention for a voluntary fast, and there is no dislike about this on the basis of the hadith. ***Fourth***, one can make the intention itself conditional, in that he will form the intention if it is Ramadan, but he will not if it is from Sha'ban. With this type, he is not deemed as a person who is fasting because he is not decisive in forming his intention. ***Fifth***, is that he makes the intention conditional regarding its details, in that he will form the intention to fast if the next day is Ramadan, and if it is from Sha'ban, then he will fast on account of another wajib fast. This is disliked due to indecision between two conditions that are both disliked. If this day appears as Ramadan, then, his fast is valid because he was unwavering in the structure of the intention itself. If however, it turns out to be from Sha'ban, then his fasting of another wajib is not valid.[2]

وإن ردد فيه بين صيام وفطر لا يكون صائما

[1] Al-Zayla'i vol, 2, 440.

[2] Al-Hidayah 129-130.

If one is hesitant upon the day of doubt between fasting and breaking fast, then he is ruled as not fasting, such as the saying, *"If it is Ramadan, then I am fasting and if it is not, then I am not fasting,"* and the reason one is ruled as not fasting is because he is not decisive in his intention. And if it later appears that the day is from Ramadan, then one is required to make up the day.

وكره صوم يوم أو يومين من آخر شعبان ، لا يكره ما فوقهما

It is disliked to fast a day or two at the end of the month of Sha'ban. Though it is not disliked to fast more than two days The Prophet ((God bless him and give him peace)) said [Do not fast for a day or two ahead of Ramadan except a person who is in that habit of observing a particular fast and he fasted on that day].[1] The reason is that there should be a clear distinction between the two types of fasts.

ويأمر المفتي العامة بالتلوم يوم الشك . ثم بالإفطار إذا ذهب وقت النية ولم يتبين الحال

On the day of doubt, the mufti orders the people to wait (without the intention of fasting). **Afterwards, when the time for intention expires and the day did not appear as that of Ramadan, the mufti orders the people to break the fast.**

ويصوم فيه المفتي والقاضي ومن كان من الخواص وهو: من يتمكن من ضبط نفسه عن الترديد في النية وملاحظة

كونه عن الفرض

Though the mufti, judge and the elite are to fast during this day of doubt (as a voluntary fast); **and the elite are those able to control themselves from wavering in their intention and able to differentiate** their voluntary fast **from the obligatory one.**

حكم من رأى هلال رمضان

The Ruling Upon One Who Sights The Moon Of Ramadan

ومن رأى هلال رمضان أو الفطر وحده ورد قوله لزمه الصيام ولا يجوز له الفطر بتيقنه هلال شوال

Whoever sees the moon of Ramadan alone, yet his statement is rejected by the judge, he is required to fast on his own, for Allah said ((So whomever witnessed the month of Ramadan, must fast)).[2] **Though if one sees the moon of Eid al-Fitr alone and his statement is rejected, he is not permitted to break his fast even if he is sure he has seen the moon of Shawwal.**

وإن أفطر في الوقتين قضى ولا كفارة عليه ، ولو كان فطره قبل ما رده القاضي في الصحيح

And if a person breaks fast in both these situations (i.e. when witnessing the moon for the month of Ramadan and the month of Shawwal) **then he is to make up the days, though he is not liable for expiation (kaffarah) even if he broke his fast before the judge had rejected his statements, and this is the correct view.**

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[1] Muslim 1082.

[2] Al-Baqarah 185.

ثبوت الهلال إذا كان بالسماء علة

Verification Of The Moon If There Is An Obstruction In The Sky

وإذا كان بالسماء علة من غيم أو غبار أو نحوه قبل خبر واحد عدل أو مستور في الصحيح و (يقبل خبره) لو شهد

على شهادة واحد مثله و(يقبل خبره) لو كان أنثى أو رقيقا أو محدودا في قذف تاب لرمضان ولا يشترط لفظ

الشهادة ولا الدعوى(كعتق الأمة، وطلاق الزوجة)

If there is an obstruction in the sky, such as clouds or dust, the imam is to accept the testimony of *a single upright witness* or *one whose situation is unknown*, and this is the correct view. And the imam is also to accept the news (of the sighting) even if someone else of similar status to the witness – testifies based on what the witness told him. For example, an upright person named 'X' sees the moon. He then informs *another upright person* named 'Y' about what he saw. Person 'Y' then goes to the judge and informs him that person 'X' witnessed the moon, and this is accepted. Person 'Y' also needs to be of equal status to person 'X', such that if person 'X' is upright, then person 'Y' is required to be upright – and this is the meaning of the words (*of similar status to the witness*).

And the testimony of the single upright witness or one whose situation is unknown, is accepted even if such a person is a female, slave, or one who has repented after being punished for accusing others of sexual acts. And it is not a condition for such a person to utter the words of the shahada as to what he witnessed (which is "I bear witness that...") **and neither is it conditional for one to be subjected to legal proceedings or commissions.** We therefore accept his news without legal proceedings, or commissions, because he is informing about something, he is not giving legal testimony in court.[1] [Al-Hidayah states: The imam is to accept the testimony of a single person who is in possession of moral probity, for the sighting of the moon, whether such person is a man or woman, a free man or a slave]. Furthermore, if one sees the moon, he is required to inform about this in-front of the judge in the same night if he is in the city. If he resides in a small town (and is an upright person), then he is to inform about it between the people regarding what he saw or do so in the mosque and they are to fast according to his testimony.[2]

وشرط لهلال الفطر إذا كان بالسماء علة لفظ الشهادة من حرين أو حر وحرتين بلا دعوى

***If the sky is obstructed for Eid al-Fitr,* it is conditional for the imam to have the testimony from two free men or from one free man and two free women and it is conditional that they say the words of the shahada** (when they inform about what they witnessed, such as *"I bear witness..."*) **though they are not to be subject to legal proceedings or commissions.**

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[1] Hence, the news of the sighting is accepted without commissions where the judge presides over the case hearing arguments and counter claims and so forth. Such a thing is not stipulated. Furthermore, such legal proceedings or commissions are also not stipulated in other matters of law, such as the freeing of a slave.

[2] Maraky al-Falah 369.

ثبوت الهلال إذا لم يكون بالسماء علة

Verification Of The Moon If There Is No Obstruction In The Sky

وإذا لم يكن بالسماء علة فلا بد من جمع عظيم لرمضان والفطر، ومقدار الجمع العظيم مفوض لرأي الإمام في الأصح

If there is *no* obstruction in the sky for Ramadan or Eid al-Fitr, then the testimony of a large gathering is required. Abu Yusuf says fifty people are considered as being a large gathering. **However, the determination of a large gathering is entrusted to the opinion of the imam** (meaning, the imam will determine what a large gathering is) **and this is the correct view.**

وإذا تم العدد بشهادة فرد ولم ير هلال الفطر والسماء مصحية لا يحل الفطر

If the people begin Ramadan based on the testimony of a single person, and then they complete thirty days of fasting and thereafter no one sees the moon of Eid al-Fitr even though the sky is clear, it is *not* permitted for them to cease fasting (which is the view agreed upon in the Madhhab. This means that the person who first witnessed the moon of Ramadan was mistaken, and that it was not Ramadan. Hence, they are to fast this day).

واختلف الترجيح فيما إذا كان بشهادة عدلين، ولا خلاف في حل الفطر إذا كان بالسماء علة ولو ثبت رمضان بشاهدة الفرد

Scholars differed in that if Ramadan is established based on the witnessing of two upright persons (and then thirty days are completed and yet no one sees the moon for Eid al-Fitr even though the sky is clear); do they fast another day? Or do they celebrate Eid al-Fitr? Some in the Madhhab maintain that they are to break their fast and celebrate Eid as held in ad-Darayya, al-Khilasa and al-Bazaziyya. However, others maintain that they are to remain fasting given that the moon was not seen in a clear sky, which indicates their mistake. Their testimony therefore (i.e. of the two witnesses) becomes invalid.[1] **Though there is *no* disagreement that the people are permitted to cease fasting if the sky is obstructed** upon completion of thirty days, **even if Ramadan is established on the testimony of a single person.**

وهلال الأضحى كالفطر

And the moon of Eid al-Adha takes the same ruling as Eid al-Fitr.

[1] Maraky al-Falah 370.

Ramadan (no obstruction)	There must be a large gathering to sight the moon	
Ramadan (obstruction)	One upright person (with no shahada or commission)	Or one whose situation is unknown, but it is not evident that he is a wrong doer
Eid al-Fitr (no obstruction) and al-Adha	There must be a large gathering to sight the moon	
Eid al-Fitr (obstruction) and al-Adha	It is conditional to be from two free men with shahada (without commission)	Or one free man plus two free women (with shahada, without commissions)

ثبوت بقية الأهلة

Establishing The Remainder Of The Months

ويشترط لبقية الأهلة شهادة رجلين عدلين أو حر وحرتين غير محدودين في قذف

It is conditional in establishing the remainder of the months; the testimony of two upright men ((or one man and two free women)) **and these individuals must not have previously been punished for making false accusations of a sexual intercourse against others.** Note: This judgement applies when there is an obstruction in the sky; for if there is no obstruction a large gathering is required.[1]

حكم اختلاف المطالع

The Ruling Of Seeing The Moon From Different Places

وإذا ثبت في مطلع قطر لزم سائر الناس في ظاهر المذهب وعليه الفتوى وأكثر المشايخ

If the sighting of the moon is confirmed in a region, it is necessary upon all the people in all the other regions and **to adhere to this sighting,** and they must fast accordingly. **This is the most evident view in the Madhhab and the fatwa issued is in accordance with this view and one in which the majority of the scholars have maintained.** Therefore, the people of one region (or city) who fast 29 days would be required to make-up a day if the people of another region fasted 30 days with their sighting of the moon. This is because the Prophet's words "*Fast when you see the moon*" are general and inclusive of all Muslims.

[*Ibn Abidin in his Hashia states*:] The different regions are *not* taken into consideration according to the evident view in the school; a view which the majority maintain and the fatwa coincides with. Therefore, the people of the west are to act in accordance with the sighting of the people of the east. [*The explanation provided in al-Hashia states*:] The disagreement with respect to the different regions means, is it necessary for each region to consider only what they see in their region and not be required to act in accordance with other regions; or do they disregard other regions and act according to the first sighting (to the extent that if it is seen in the east on Friday night and in the west on Saturday night, are those

[1] Maraky al-Falah 370.

of the west required to act in accordance with the sighting of the people of the east?). One view maintains that each region takes its own ruling as held by az-Zayla'i and the author of al-Fayd. It is also the sound view in the Shafi'i school. However, the most evident opinion, which is relied upon in the Hanafi, Maliki and Hanbali school is the latter view (that the first sighting is a sighting for all Muslims) on the basis of the words of the Prophet "Fast when you see it."[1]

Muhammad Ali Sabuni in his Tafsir Ayat al-Ahkam explains whether or not different regions are disregarded or accepted. He says: "The Hanafi, Maliki and Hanbali schools maintain that the different regions are disregarded; so that if the moon is seen in one country (or region), then it becomes necessary on the rest of the regions in the world to fast or break the fast. This is because the Messenger's words "*Fast when you see it and break your fast when you see it*" includes the entire nation of Muhammad [*ummah*]. So whoever sees it in any place, then that sighting is a sighting for all Muslims. [*He adds*:] The Shafi'i school maintains that each region that is far from the other takes its own ruling and the sighting of one does not count for the other."[2]

The Shafi'is hold that if the moon is confirmed in one district, then people of the surrounding districts are required to fast if they are close. Such closeness is determined as being less than twenty four *farsakh*.[3] As for those far away, they are not required to fast on the basis that the regions differ.[4]

Moreover, it is worth noting that A'isha (God bless her and be pleased with her) said, "The breaking of the fast for each nation is the day their group breaks their fast and the sacrifice [*adha*] of each nation is the day their group sacrifices."[5] Abu 'Isa explained that some of the people of knowledge explained this hadith by saying that it means that the fast and the breaking of the fast is done with the group and the masses of the people.

ولا عبرة برؤية الهلال نهارا سواء كان قبل الزوال أو بعده وهو لليلة المستقبلة في المختار

If the moon is sighted during the day (whether it is before noon or after noon time), **it is disregarded and is considered as belonging to the following night**, i.e. the ruling of that day does not change, for the Prophet ((God bless him and give him peace)) said [Fast when you see it] clearly indicating that one must first see the moon prior to fasting and what is understood from this, is sighting the moon at night according to the Companions and the Tabi'in and those after them. **And this is the opted view on the matter.**

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[1] Radd al-Muhtar vol. 3/364 | Third Edition, Dar al-Kutub al-'Ilmiyya Beirut.

[2] Tafsir Ayat al-Ahkam vol. 1/196.

[3] Note: one *farsakh* is equivalent to three miles. Therefore, twenty four *farsakh* is equal to seventy two miles. [Ibrahim as-Salkini 129].

[4] Kitab al-Fiqh 'Ala al-Madhaahib al-Arba'a, Abdur-Rahman al-Jaziri 500.

[5] Talha reported it from A'isha in Al-Musnad from Abu Hanifa from Ali from Al-Ahmar from Masruq who said... [Al-Ikhtiyar vol. 1/186]. The same was mentioned by Tirmidhi 697.

باب مالا يفسد الصوم

<u>*That Which Does Not Nullify The Fast*</u>

وهو أربعة وعشرون شيئا

There are generally twenty-four things that do not nullify fasting:

ما لو أكل أو شرب أو جامع ناسيا

Eating, drinking or having sexual intercourse forgetfully, does not break the fast. The Prophet ((God bless him and give him peace)) said [If anyone of you forgetfully eats or drinks (while observing fast) he should complete his fasting, for Allah has fed him and given him to drink].[1]

وإن كان للناسي قدرة على الصوم يذكره به من رآه يأكل، وكره عدم تذكيره ، وإن لم يكن له قوة فالأولى عدم تذكيره

If one has the ability to fast, yet he forgetfully eats or drinks, then he is to be reminded of fasting by onlookers, and failure to remind him is disliked. If on the other hand this person appears to have no strength or ability to fast, then it is better *not* to remind him.

أو أنزل بنظر أو فكر وإن أدام النظر والفكر

If a person has an orgasm because of looking or thinking about the sexual area of a female, it **does not break the fast, even if one stared or thought about it for a while.** And the reason fasting is not void is because there is no intercourse and not even a picture or form resembling it. The Prophet ((God bless him and give him peace)) said [Three things do not break a person's fast; vomit, cupping and discharge].[2]

أو ادهن أو اكتحل ولو وجد طعمه في حلقه

Applying oil to the body does not break the fast. **Likewise, the application of eyeliner *(kohl)* does not break the fast even if the taste appears in the throat,** and even if the colour appears in the saliva, because A'ishah ((God be pleased with her)) narrated that the Prophet applied eyeliner (kohl) while he was fasting.[3]

أو احتجم

If one is subjected to cupping, the fast is not broken because ((The Prophet was cupped whilst he was muhrim and while fasting)).[4] Note: There is a hadith attributed to the Prophet ((God bless him and grant him peace)) that he said [The cupper and the one who is subjected to cupping, breaks their fast], the meaning here is that they lose their reward, not that their fast is broken.[5]

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[1] Bukhari 1933.

[2] At-Tirmidhi and Darqutani. Al-Zayla'i, vol, 2, 446.

[3] Ibn Majah 1678.

[4] Bukhari 1938.

[5] Abu Dawud, Ibn Majah and al-Baihaqi.

أو اغتاب

If a person backbites, the fast does not break. The hadith which is attributed to the Prophet ((God bless him and grant him peace)) when he was passing by two men, one was being cupped and the other was the cupper and they were backbiting another person, thereupon the Prophet ((God bless him and grant him peace)) said, "That their fast is broken." This means that they have lost their rewards for fasting.[1]

أو نوى الفطر ولم يفطر

If one intends to break his fast, but does not do so, then he has not broken his fast because the person did not undertake the action.

أو دخل حلقه دخان بلا صنعه

If smoke enters the throat unintentionally, the fast does not break for the reason that is was unintentional and therefore unavoidable.

أو غبار ولو غبار الطاحون أو ذباب أو أثر طعم الأدوية فيه وهو ذاكر لصومه

Likewise, if dust, even the dust of flour, or a fly or the taste of medicine accidentally enters the throat while one remembers he is fasting, then he has *not* nullified his fast. Note: one may have had medicine prior to dawn and the taste lingered in the mouth until long after dawn.

أو أصبح جنبا ، ولو استمر يوما بالجنابة

If one awakens in the state of sexual impurity *[janaba]* (due to a sexual dream or sexual intercourse before dawn) the fast does not break, **even if one remains in this state for the entire day** or many days. A'ishah ((God be pleased with her)) said [The Apostle of Allah would be overtaken by the dawn when he was in a state of major ritual impurity (when he was fasting)].[2]

أو صب في إحليله ماء أو دهنا

If water or medicinal **oil is poured in the opening of the penis, the fast remains sound** according to Abu Hanifa and Imam Muhammad, though contrary to Abu Yusuf. It is as if Abu Yusuf considers that there is a passage between this opening and a body cavity for which reason urine emerges. Abu Hanifa understands that the bladder provides a barrier between them and urine is pushed out through it. This is something that does not belong to the category of fiqh. The answer is to be given by a medical expert. This is similar to cases that fall under ***tahqiq al-man'at***.[3]

أو خاض نهرا فدخل الماء أذنه

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[1] Abu Dawud, Ibn Majah and al-Baihaqi | Maraky al-Falah 372.
[2] Abu Dawud 2382.
[3] Al-Hidayah.

If one enters a river and water enters inside the opening of the ears, the fast does not break.

أو حك أذنه بعود فخرج عليه درن ثم أدخله مرارا إلى أذنه

If a person places a twig in his ear (or an ear bud) and withdraws wax with it and then re-enters the twig back into his ear again, the fast does not break according to the agreement of the scholars, because this wax or general dirt does not reach the brain.

أو دخل أنفه مخاط فاستنشقه عمدا وابتلعه

If nasal mucus enters the nasal passage and is sniffed back into the throat and swallowed on purpose, the fast remains sound.

وينبغي إلقاء النخامة حتى لا يفسد صومه على قول الإمام الشافعي رحمه الله

The mucus (or phlegm) of the throat must be expelled so that it does not break the fast according to the saying of Imam Shafi'i (God have Mercy on him), for the reason that a person has the ability to emit it from the mouth.

أو ذرعه (أي: سبقه وغلبه) القيء و(كذا لا يفطر لو) عاد (ما ذرعه) بغير صنعه ولو ملأ فاه في الصحيح (لأنه لا يتغذى به عادة)

If one inadvertently vomits, the fast does not break even if it is a mouthful. This is due to the words of the Prophet ((God bless him and give him peace)) who said [If one had a sudden attack of vomiting while one was fasting, no atonement is required of him, but if he vomits intentionally he must make atonement];[1] **and likewise if the vomit** (that came up) **turns back inside** <u>**unintentionally**</u> **and is a mouthful, the fast is not broken according to the most correct view** held by Imam Muhammad because he is not nourished by this and because it does not resemble the picture of one who is breaking his fast, which is to swallow in the real sense. However, Abu Yusuf says that the fast is void.

أو استقاء (أي: تعمد إخراجه وكان) أقل من ملء فيه على الصحيح ولو أعاد في الصحيح

Intentionally vomiting *less* than a mouthful does not break the fast according to the most sound view, even if the vomit that came up **goes back inside according to the correct view.** This is the opinion held by Abu Yusuf saying that the vomit has not come out legally. On the other hand, Imam Muhammad held that one's fast is nullified if he ***intentionally*** vomits less than a mouthful.

أو أكل ما بين أسنانه وكان دون الحمصة

If a person swallows the traces of food that remain between his teeth from the pre-dawn meal, **it does not break the fast provided it is less than the size of a chickpea.** The reason it does not nullify fast is because it is judged as part of the saliva, and this is something of which one is unable to avoid.

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[1] Abu Dawud 2374.

أو مضغ مثل سمسمة من خارج فمه حتى تلاشت ولم يجد لها طعما في حلقه

Chewing something like sesame that comes from outside the mouth until it melts, does not break the fast provided the taste does not appear in the throat. However, if one *swallows* a sesame that comes from outside the mouth, then his fast is broken according to Imam Muhammad. Note, chewing without letting anything enter the inside and swallowing a sesame that comes from outside the mouth hold two different rulings. The latter breaks the fast while the former does not. If on the other hand one swallows a sesame that was stuck between his teeth, then the fast does *not* break as mentioned earlier.

باب ما يفسد الصوم وتجب به الكفارة مع القضاء

What Nullifies The Fast Requiring Expiation[1] And A Make-up Day

وهو اثنان وعشرون شيئا . إذا فعل الصائم شيئا منها طائعا متعمدا غير مضطر لزمه القضاء والكفارة وهي

There are twenty-two things, which if performed willingly and intentionally without being compelled, results in the termination of the fast and requires a compulsory make-up day and expiation to atone for the violation. They are:

الجماع في أحد السبيلين على الفاعل والمفعول به

Having intercourse in either of the passageways (vagina or anus) **breaks the fast of both the doer and the receiver of the act and makes them liable for expiation and *qada*** (to make up the day). This is due to the completion of offence. Note, the ruling is the same whether one has an orgasm or not because in this case carnal desire is satisfied even without it. Moreover, Imam Shafi'i restricts the obligation of expiation for intercourse only and not for eating or drinking.[2]

والأكل والشرب سواء فيه ما يتغذى به أو يتداوى به

Eating or drinking whether it is for nourishment or for a medicinal benefit (even if it is minimal) breaks the fast and necessitates expiation and a make-up day.

وابتلاع مطر دخل إلى فمه

To swallow rain water after it enters the mouth, breaks the fast and necessitates a make-up day and expiation.

وأكل اللحم النيء وإن كان منتنا إلا إذا دود

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[1] There are several actions that if performed during the day of Ramadan, results in the nullification of the fast, a makeup day, and an obligatory expiation in order to atone for the major violation. The expiation consists of freeing a sound slave, though if one does not have the means to do this, then he must fast two consecutive months. And if one is unable, then the expiation is to feed sixty unfortunate persons twice. In the event that the expiation is not performed, then it remains as an unperformed obligation upon the person concerned.

[2] Al-Fiqh al-Islamy, Ibrahim as-Salkini 427.

Eating raw meat, even if it is damaged requires expiation and a make-up day. **Though if the meat is worm infested,** it does not necessitate expiation for the reason that there are no nutrients left in the meat of which benefit is derived.[1]

وأكل الشحم في اختيار الفقيه أبي الليث

Eating the fat (or grease of meat) nullifies the fast and requires expiation and *qada*, **and this is the opted view according to Imam Abi Laith.**

وقديد اللحم بالاتفاق

Eating jerked *(or cured)* meat breaks the fast and necessitates the penalty of expiation and *qada*, and this has the agreement of the Hanafi scholars.

وأكل الحنطة، وقضمها، إلا أن يمضغ قمحة فتلاشت

Eating a seed of wheat (or chewing it and then eating it), breaks the fast and makes one liable for expiation and a make-up day. **Except if the seed is chewed and consequently melts away (leaving no trace in the throat)**, in which case, the fast does not break and no expiation is necessary. Indeed, because it is such a trivial quantity that by melting away and not appearing in the throat, it sticks to the teeth, which means nothing has entered the stomach.

وابتلاع حبة حنطة أو سمسمة أو نحوها من خارج فمه في المختار

If one swallows a seed of wheat, sesame or something of the like, things from outside the mouth (meaning they were not stuck between one's teeth and were put in the mouth and swallowed), the fast breaks and one is liable for expiation and a makeup day, **and this is the preferred view by scholars.**

وأكل الطين الأرمني مطلق

Eating a beneficial type of soil (known as *Armani*) nullifies the fast absolutely and necessitates expiation and *qada*. And it does not matter whether one is in the habit of eating it or not. Note, this type of earth is known to contain some medical benefit. Maraky al-Falah states that this was commonly consumed by pregnant women to gain some benefit and based on this benefit the expiation is necessary.[2]

والطين غير الأرمني كالطفل إن اعتاد أكله

Eating soil that is non-beneficial, such as dry earth [*known as tifil*], nullifies the fast, and necessitates expiation **provided one is in the habit of eating it.** Though if one is not in the habit of eating this kind of soil, then the expiation is not necessitated.[3]

والملح القليل في المختار

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[1] Maraky al-Falah, 376.

[2] Maraky al-Falah 376 point 4.

[3] *Tifil is described* as dry earth. Maraky al-Falah 377.

Eating a small amount of salt nullifies the fast and imposes expiation and *qada*; **and this is the opted view on the matter.** Note: If the salt swallowed is a lot, the ruling changes in that the fast breaks, but the expiation is not imposed, because the tendency of man is to veer towards having a small amount of salt, not a large one.[1]

وابتلاع بزاق زوجته أو صديقه لا غيرهما

Swallowing the saliva of one's wife or friend breaks the fast and atonement is to be observed through expiation. The reason being that one is not repulsed from the saliva of his wife or friend, **though if one swallows saliva from other than his wife or friend,** then the expiation is not required because in this case it is detested by the one who swallows it.

وأكله عمدا بعد غيبة أو بعد حجامة أو بعد مس أو قبلة بشهوة أو بعد مضاجعة من غير إنزال أو بعد دهن شاربه

ظانا أنه أفطر بذلك إلا إذا أفتاه فقيه أو سمع الحديث ولم يعرف تأويله على المذهب

If a person *intentionally eats after* backbiting, or (eats) *after* being subjected to cupping, or *after* touching his wife, or *after* kissing with desire, or *after* sleeping near his wife (*touching and kissing her*) **without ejaculating, or *after* applying oil on his moustache because he believes that such acts** (*such as backbiting and cupping*) **have terminated his fast, then he is liable for *expiation and to make up the day*. The exception however** (*which excuses the expiation*) **is if he is given a legal ruling by a scholar** (*who said that such acts do break the fast, such as cupping, which some of the people of hadith regard as a terminator of the fast; and this was his understanding*) in which case he is not liable for expiation because according to the offender, he believed he had broken the fast (*after cupping and backing biting, and so went ahead and ate*) based on the ruling given. **And the other exception is if he had heard the hadith of the Prophet but did not understand its meaning according to the Madhhab,** such as [The one who backbites has broken his fast], so he progressed forward and ate based on what he understood, not knowing the meaning given by the Madhhab, then in both cases the expiation is excused. Though if there was no such ruling issued or one did know the meaning of the hadith according to the Madhhab, the expiation is necessary to perform. And whatever the case may be, one is still liable to make up the day. *In summary, if a person intentionally eats after the above mentioned acts, then he is liable for expiation and qada unless an Islamic scholar issued a ruling or the person did not know the correct meaning of a hadith he had heard according to the Madhhab.*

وإن عرف تأويله وجبت عليه الكفارة

If however the person knows the meaning of the hadith he heard (according to the Madhhab) **then he is liable for expiation.**

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[1] Maraky al-Falah 377.

وتجب الكفارة على من طاوعت (رجل) مكرها (علا وطئها) ((صورة ذلك أن يكره ذو سلطان رجلا علا وطء زوجته في نهار رمضان ، ويجامعها وهو مكره وهي مطاوعة من غير أن يقع عليها إكراه ، و إنما وجبت الكفارة عليها لأن سبب الكفار جناية إفساد الصوم))

Expiation *(kaffarah)* is wajib upon a female who willingly complied to have sexual intercourse with her husband who was forced to have intercourse with her. Consider the following: an oppressive king forces a man to commit sexual intercourse with his wife during the day in Ramadan and whilst he is forced, she willingly complies without being forced. Thus, the expiation becomes necessary upon her due to the serious crime of compliance and facilitation. Indeed she actualised the crime from her side in facilitating and allowing her husband to perform these actions. Another scenario is, if a woman knows that the dawn time has arrived and yet she allows her husband to have intercourse with her willingly and he has no knowledge of the arrival of dawn.

فصل في الكفارة وما يسقطها عن الذمة

The Expiation And That Which Excuses It

Abu Hurairah narrated: While we were sitting with the Prophet ((God bless him and grant him peace)) a man came and said 'O Messenger of Allah! I have been ruined.' Allah's Messenger asked what was the matter with him. He replied, 'I had sexual intercourse with my wife while I was observing fast.' Allah's Messenger asked him, "Can you free a slave?" He replied in the negative. Allah's Messenger asked him, "Can you keep fast for two consecutive months?" He replied in the negative. The Prophet asked him, "Can you afford to feed sixty poor persons?" He replied in the negative. The Prophet ((God bless him and give him peace)) kept silent and while we were in this state, a big basket full of dates was brought to the Prophet. He asked "Where is the questioner?" He replied, 'I am here.' The Prophet said (to him) "Take this (basket of dates) and give it in charity." The man said, 'Should I give it to a person poorer than I? By Allah, there is no family between the two mountains (Medina) who are poorer than I.' The Prophet smiled until his premolar teeth became visible and then said, "Feed your family with it."[1]

تسقط الكفارة بطرو حيض أو نفاس أو مرض مبيح للفطر في يومه

If a person violates the rules in the day of Ramadan, then he has made himself liable for expiation, however, **the expiation is excused if during that same day a female received her menstrual period or she gave birth and was in the state of postnatal bleeding (nifas) or during that same day the person was afflicted with an illness, one which allows the breaking of the fast.** If however a person intentionally makes himself ill such as jumping off a building to injure himself in order to escape from the expiation, then he has *not* succeeded because he is still liable.

[1] Bukhari 1936.

ولا تسقط عمن سوفر به كرها بعد لزومها عليه في ظاهر الرواية

In contrast, **the expiation is not excused if one is forced to travel in the same day (after it has already become imposed on him)**. And this applies even if one travels willingly. **This is according to the evident opinion** on the matter. For example, if a person indulges in sexual intercourse, then it becomes necessary to perform the expiation. If however, such a person is forcefully taken on travel in that same day or willingly, one remains liable.

بيانا لكفارة

The Expiation

والكفارة تحرير رقبة ولو كانت غير مؤمنة ، فإن عجز عنه صام شهرين متتابعين ليس فيهما يوم عيد ولا أيام التشريق ، فإن لم يستطع الصوم أطعم ستين مسكينا يغديهم ويعشيهم غداء وعشاء مشبعين أو غداءين أو عشاءين أو عشاء وسحورا

The expiation is the freeing of a slave, be it male or female, who is physically and mentally sound, **even if the slave is a non-believer. And if one is unable to free a slave, then he is to fast two consecutive months, and these two months must not coincide with the two Eid days or the days of Tashriq** (11th, 12th and 13th of Dhul-Hijjah), for there must be no break between the sixty days, otherwise the expiation will be invalid. **If one is unable** (to fast for two consecutive months) **then the expiation is to feed sixty unfortunate people who are to be treated to lunch and dinner at their respective time, so that they are content.** Note: The sixty people who are treated to lunch must be the same sixty people who are treated to dinner; **or the unfortunate persons may be treated to two lunches** in two days or **two dinners** for two nights, i.e. one every night; **or they may be treated to dinner and a pre dawn meal.** Note: if one unfortunate person is fed for sixty days, then it is valid, because it is equivalent to sixty people.

أو يعطي كل فقير نصف صاع من بر أو دقيقه أو سويقه أو صاع تمر أو شعير أو قيمته

It is also permitted to give each poor person half a measure [*sa'*] of wheat or flour, or one measure [*sa'*] of dates or barley, or the value equal to the above may be given to each of the sixty persons.

وكفت كفارة واحدة عن جماع وأكل متعدد في أيام لم يتخلله تكفير ولو من رمضانين على الصحيح

One expiation suffices for sexual intercourse committed on many days or for the act of eating on many days throughout Ramadan even though these (offences) are days of Ramadan of two different years. This is provided that the expiation does not fall between two violations (such as sexual intercourse). For example; if one indulges in sexual intercourse on the first day and then immediately after that pays the expiation, should he commit a further violation later, then a separate expiation will have to be given. Therefore, one expiation suffices for multiple violations committed over many years provided no other violation is committed after having paid the expiation.

فإن تخلل التكفير لا تكفي كفارة واحدة في ظاهر الرواية

If however, an expiation has occurred between two acts of sexual intercourse or two acts of eating, **then one expiation will not suffice and this is the evident view on the matter** as another expiation is required for the second violation.

باب ما يفسد الصوم من غير كفارة

What Nullifies The Fast Without Requiring Expiation

The following cases do not require expiation [*kaffarah*] on the basis that the nature of the things that are eaten are such that they contain no nourishment, or they may contain nourishment but there is a valid reason for their consumption. Eating something of this nature would not impose the expiation, although the day must be made up. Moreover, the act which does not include the completion of desire concerning the genitals holds the same ruling, such as an orgasm due to kissing.

Other examples include the swallowing of paper which does not require the expiation on the basis that originally, it contains no nourishment. Equally, if there is something that is inadequate of being nourishment, such as raw rice or dough that is unmixed with butter, then the expiation is not required, whilst one is only liable for the day. *Therefore, the breaking of the fast is not one of nourishment or not one where there is completion of carnal desire regarding the genitals. Additionally, the thing eaten may contain nourishment, though there is a valid reason for its consumption.*

وهو سبعة وخمسون شيئا

There are fifty-seven things that nullify the fast, but do not necessitate the expiation;

إذا أكل الصائم أرزا نيئا أو عجينا أو دقيقا

If the person fasting eats raw rice, flour, or wheat grain, the fast is nullified although the expiation is not necessitated.

أو ملحا كثيرا دفعة

If a person eats a *mouthful* of salt, he is not liable for expiation for the reason that it is not one's desire to have a mouthful of salt; hence, the circumstances are different.

أو طينا غير أرمني لم يعتذ أكله

Eating soil that contains no medical benefit and not being in the habit of eating it, invalidates the fast but does not require the expiation; for the reason that it serves no medical purpose. Though if one was in the habit of eating this *non-beneficial earth*, the expiation becomes necessary.

أو نواة أو قطنا أو كاغدا

Eating the stone of a fruit, cotton or paper, breaks the fast without necessitating the expiation.

أو سفرجلا لم يدرك ولم يطبخ

Eating uncooked quince or raw quince nullifies the fast whereas the expiation is not imposed. Quince is a hard yellow shaped fruit which has to be cooked prior to eating.

أو جوزة رطبة

Eating a raw walnut does not impose the expiation. If on the other hand one eats a raw almond, then the fast breaks and the expiation is imposed.

أو ابتلع حصاة أو حديدا أو ترابا أو حجرا

Swallowing a pebble, metal, or soil, nullifies the fast while no expiation is necessary.

أو احتقن أو استعط

Taking an enema or pouring drops (of medicine) through the nostrils breaks the fast, whereas the expiation is not required. An enema is generally used when there is a need, thus not requiring expiation. Note; an enema is having medicine inserted through the anus. However, Abu Yusuf held that taking an enema and pouring snuff through the nostrils or throat requires expiation.

أو أوجر بصب شيء في حلقه على الأصح

The forceful pouring of something down the throat nullifies the fast, but does not require the expiation. **And this is the most correct opinion.**

أو أقطر في أذنه دهنا أو ماء في الأصح

To drip water or oil into the ears nullifies the fast, **and this is the soundest view.** The fast is invalid because the fluid will inevitably reach the brain through this action, though expiation is not required. The Prophet ((God bless him and give him peace)) said [The fast is broken with whatever enters].[1]

أو داوى جائفة أو آمة بدواء ووصل إلى جوفه أو دماغه

Applying medicine to a wound of the stomach or head, which then penetrates a cavity reaching the inside of the stomach or brain, nullifies the fast though does not necessitate the expiation.

أو دخل حلقه مطر أو ثلج في الأصح ولم يبتلعه بصنعه

If rain or snow water enters the throat, and is swallowed by accident, it breaks the fast but does not require the expiation; **and this is the most correct opinion.** Note: there is a difference between forgetfulness and accidental. If one swallows forgetfully, the fast does not break.

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[1] Abu Yalā. Al-Zayla'i, vol. 2, 453-54.

أو أفطر خطأ بسبق ماء المضمضة إلى جوفه

If one *accidentally* breaks his fast with the water used for gargling, in that it seeps down one's throat, then expiation is not imposed upon him.

أو أفطر مكرها ولو بالجماع

If one is coerced to break his fast even if it is through sexual intercourse, the expiation is not imposed.

أو أكرهت على الجماع

If a female is coerced to indulge in sexual intercourse, then the expiation is not imposed on her.

أو أفطرت خوفا على نفسها من أن تمرض من الخدمة أمة كانت أو منكوحة

If a married woman or slave breaks her fast for fear of falling ill because of the duties she performs, then the expiation is not required of her, as the fast is ruined due to a valid reason.

أو صب أحد في جوفه ماء وهو نائم

If water is poured into the insides of a person who is sleeping, then he is *not* liable for expiation, though the fast is void. Note; this person is not like the one who has forgotten. For example; the one who forgets to mention the name of Allah upon an animal he slaughters does not render it unlawful to eat. Though if the person is insane or asleep at the time, then their slaughtered animal is not lawful to eat. Furthermore, to drink whilst sleep-walking holds the same ruling.[1]

أو أكل عمدا بعد أكله ناسيا ، ولو علم الخبر على الأصح

Eating on purpose after eating forgetfully does not impose the expiation even if one knows the hadith concerning it; and this is the soundest opinion. The reason the expiation is not imposed is because (eating forgetfully) has a likeness to one who has broken his fast and this likeness is not over even if one knows the hadith of the Prophet ((God bless him and give him peace)) "The one who eats and drinks from forgetfulness is to complete his fast."[2] Furthermore, the hadith is *ahad* (or transmitted through solitary narration), it is not *mutawatir* or *mash-hur*. It is a hadith which does not impart affirmative knowledge on its own unless it is supported by extraneous or circumstantial evidence. The expiation therefore cannot be imposed on this basis.[3]

أو جامع ناسيا ثم جامع عامدا

If one has sexual intercourse forgetting he is fasting, and then after remembering, continues to have sexual intercourse intentionally; expiation is not necessary upon him on the basis of what we have described above, namely that it has a likeness to breaking one's fast. However, the day is obligatory to make up.

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[1] Maraky al-Falah 382.

[2] Bukhari 1933.

[3] Maraky al-Falah 382.

أو أكل بعد ما نوى نهارا ولم يبيت نيته

If a person eats after making his intention of fasting in the day (and not overnight), the expiation is not required as held by Imam Abu Hanifa. This was also the view of Imam an-Nasafi who said, "Expiation is not necessitated if one breaks his fast after having formed his intention in the daytime."[1] Zufar on the other hand held that he is liable for expiation.

أو أصبح مسافرا فنوى الإقامة ثم أكل

If a person begins the day as a traveller and then intends residence and thereafter breaks his fast by eating, expiation is not necessary upon him even though it was forbidden to eat.

أو سافر بعد ما أصبح مقيما فأكل

If a person becomes a traveller after starting the day as a resident, and thereafter breaks his fast by eating (while he is a traveller), expiation is not imposed upon him, while he is liable for the day. In other words, if the *fajr* passes over a person who has intended to fast that day and before he becomes a traveller, then it is not permitted for him to break his fast that day, though if he does, then only the day is required to be made-up.[2]

أو أمسك بلا نية صوم ولا نية فطر

If a person abstains from eating with no intention of fasting and no intention of breaking fast, then the day is not deemed a fast, however, the expiation is not necessary upon this person, though he is required to make up the day because the intention is a requirement.

أو تسحر أو جامع شاكا في طلوع الفجر وهو طالع

If one eats the pre-dawn meal (*sahur*) or has sexual intercourse during which he has doubt about the rising of dawn, wherein reality it had already dawned, then the expiation is not imposed on such a person, though the fast breaks.

أو أفطر بظن الغروب والشمس باقية

The expiation is not imposed if a person breaks his fast believing that the sun had set, when it had not.

أو أنزل بوطء ميتة أو بهيمة أو بتفخيذ أو بتبطين أو قبلة أو لمس

An orgasm due to sexual intercourse with a dead woman or beast or an orgasm caused by rubbing the genitals between the thighs of someone or by rubbing them on the abdomen of someone, or due to kissing, touching, or masturbation, does not impose the expiation, though the fast is void. Note: we stated earlier that if there is no completion of pleasure by way of carnal desire through a location that is desired, then the expiation is *not* necessary, and this is the case at hand. Even if a person has an orgasm, it not regarded as complete for the reason that it is one sided.

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[1] Maraky al-Falah 383.

[2] Al-Fiqh al-Islamy, Ibrahim as-Salkini 421.

أو أفسد صوم غير أداء رمضان

There is no expiation if a person breaks a fast other than the fast of Ramadan, though one is liable to make up the day.

أو وطئت وهي نائمة

Having sexual intercourse with a sleeping woman or while she is temporarily insane, does not necessitate the expiation due to the absence of offence on her part.

أو أقطرت في فرجها على الأصح

The dripping of anything (such as liquid or the like) **into the vagina** breaks the fast, but does not necessitate the expiation, **and this is the most correct view** as it has a resemblance to an enema.

أو أدخل أصبعه مبلولة بماء أو دهن في دبره أو أدخلته في فرجها الداخل في المختار

Inserting a finger which is wet with water or oil into the anus or inner part of the woman's vagina, does not impose the expiation, though the fast breaks **and this is the opted view on the matter.**

أو أدخل قطنة في دبره وغيبها أو في فرجها الداخل

Inserting a piece of cotton into the anus or the inside of the vagina to the extent that it disappears, requires *qada*, though no expiation; even if it was a cloth or something similar that disappeared. However, if the side or edge of the cotton (or cloth) remains outside, then it is regarded as though nothing entered.

أو أدخل حلقه دخانا بصنعه

Expiation is not imposed if smoke is intentionally inhaled into the throat, though the fast breaks.

أو استقاء ولو دون ملء الفم في ظاهر الرواية ، وشرط أبو يوسف ملء الفم وهو الصحيح

Vomiting intentionally, even if it is less than a mouthful nullifies the fast without obligating the performance of expiation **and this is the most evident view.** The Prophet ((God bless him and grant him peace)) said [Whomever intentionally vomits must make up the day].[1] **Though Imam Abu Yusuf held that in order for the fast to be nullified, the person must deliberately vomit a mouthful and this is the most correct opinion** [which means, if a person intentionally vomits less than a mouthful, the fast remains sound according to Abu Yusuf with no expiation necessary because he says that a small amount of vomit is as though there was nothing to begin with and he used as a proof, that the small amount of vomit does not nullify wudu].

أو أعاد ما ذرعه من القيء وكان ملء الفم وهو ذاكر لصومه

[1] Abu Dawud 2374.

Likewise, if a person intentionally returns a mouthful of vomit back inside (the stomach) after it had *forcefully risen*, **and he remembers he is fasting**, then he is not liable for expiation while the fast is void, whereas if he had forgotten, the fast would remain valid, because it is like a person who eats out of forgetfulness.

أو أكل ما بين أسنانه وكان قدر الحمصة

Expiation is not imposed **if a person eats the food that is stuck between his teeth the size of a chickpea.** Though the fast breaks because it is possible to avoid eating something this size as opposed to a sesame.

أو نوى الصوم نهارا بعدما أكل ناسيا قبل إيجاد نيته من النهار

If a person intended to form his intention of fasting in the day, but he eats forgetfully before making his intention in the day, then he is not liable for expiation, though he is liable to make up the day. This means that a person absentmindedly ate during the day before observing his intention in the day. If he first intended and then forgetfully ate, the fast would remain valid.

Note: in the following Arabic text, the words from Maraky al-Falah have been included within the brackets for clarity, since there is a grammatical term that may not be identified correctly. This grammatical term is referred to as a "waw 'ataf." Furthermore, al-Hidayah 138 and al-Ikhtiyar 193, clearly maintain the same ruling.

أو أغمي عليه (لأنه نوع مرض) ولو (استوعب) جميع الشهر (يقضي بمنزلة النوم، بخلاف الجنون) إلا أنه لا يقض اليوم الذي حدث فيه الإغماء، أو حدث في ليلته (لوجود شرط الصوم و هو: النية، حتي لو تيقن عدمها، لزمه الأول أيضا) أو جن (جنونا) غير ممتد جميع الشهر (بأن أفاق في وقت النية نهارا، لأنه لا حرج في قضاء ما دون شهر، و (إن استوعبه شهرا) لا يلزمه قضاؤه (ولو حكما) بإفاقته ليلا (فقط) أو نهارا بعد فوات وقت النية في الصحيح (وعليه الفتوى، لأن ليل لا يصام فيه، ولا فيما بعد الزوال، كما في مجموع النوازل، و المجتبى، و النهاية وغيرها، وهو مختار الشمس الأئمة).

If one becomes unconscious (i.e. suffers from fainting), **even for the entire month of Ramadan**, then he is given the status of that of a sleeping person and is liable for the missed days, **except the actual day in which one fainted. And if it occurred at night**, then one is to make up for the entire period of fainting **except the day that follows this night.**[1] Note; this ruling differs with respect to the insane.

If a person suffers from insanity for part of the month, he is to make up the days. The basis for this is that there is no hardship in making up days which are less than a month as distinguished from the person who is insane for the entire month, and is subjected to hardship through performance.

[1] Al-Hidayah 193.

If one suffers from insanity for the entire period of Ramadan, he is *not* liable to make up the days even (if this person is deemed legally insane, such that) **he only recovers at night** (from his insanity) **or during the day after the time for intention has passed,** because one cannot fast at night and neither after the noontime when the time of intention has ended.

In Summary

If one faints (or is unconscious) for part of the month of Ramadan or even the entire period of Ramadan, he is liable to make up the days. If one is insane for part of the month, he is also liable to make up the days, though if one suffers insanity for the entire month, he is not liable to make up the days.

فصل فيمن يجب عليه الإمساك أثناء النهار

When It Is Necessary To Refrain From Eating During The Day

يجب الإمساك بقية اليوم على من فسد صومه

1- **If a person breaks his fast, it is necessary to abstain from eating for the remainder of the day.** This person is also required to make up the day.

وعلى حائض ونفساء طهرتا بعد طلوع الفجر

2- **If a woman becomes pure from her menstrual periods or postnatal bleeding straight after the true dawn, then she must refrain from eating for the remainder of the day.** And she is required to make up the day at a later time. As for one in a state of menstrual periods or postnatal bleeding, it is forbidden for her to fast, because fasting whist in this state is forbidden and to imitate something forbidden is also forbidden, and similarly it is not necessary upon the sick or the traveller to abstain from food, because they have permission to eat due to their hardship. However, it is sunna for the one who is permitted to eat, to do so in private, not openly, otherwise one may be accused.

وعلى صبي بلغ وكافر أسلم بعد الطلوع ، وعليهم القضاء إلا الأخيرين

3-4 / **If a boy matures after true dawn or a non-believer accepts Islam after true dawn, they must abstain from eating for the remainder of the day. And they are not required to make up the day** because prior to dawn, they were not subject to the commands of Allah regarding fasting. **Whilst the persons in point one and point two are liable for the day.**

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فصل فيما يكره للصائم وفيما لا يكره وما يستحب

What Is Disliked When Fasting and What Is Recommended

ما يكره للصائم

Disliked Actions When Fasting

كره للصائم سبعة أشياء

There are seven things that are disliked when fasting.

ذوق شيء بلا عذر

1-**To taste something with no reason is disliked.** If a woman has a harsh husband who will rebuke her for an increase of salt in the food, then she may taste it. If however he will not, then it is not permitted. Note; the meaning here, is to taste without allowing anything to enter the insides.

ومضغه بلا عذر، ومضغ العلك

2- **Chewing something without a reason is disliked.** It is however permitted if there is a need for it, such as chewing a small child's food when feeding. However, this is provided nothing reaches the inside of the body with the saliva. **Equally, chewing on gum is disliked unless there is a reason.** The reason for this dislike is based on the notion that other people who see this will accuse the person of breaking fast and it is not lawful for a person to assume a position where he will be accused. The Prophet ((God bless him and grant him peace)) said [He who believes in Allah and the last day, should not stand in the position of blame]. This is the case even if one has a reason. If, on the other hand something of it should enter the body with the saliva, the fast is deemed void.

والقبلة والمباشرة إن لم يأمن فيهما على نفسه الإنزال أو الجماع في ظاهر الرواية

3-4 / **Kissing and caressing while fasting is disliked if one is not sure of himself about having an orgasm or sexual intercourse as a result of such acts, and this is the evident view on the matter.** If however, one is in control and sure that these things will not result in an orgasm or intercourse, then it is permitted. If someone would kiss or caress another with lust and an emission results, the fast will break.

وجمع الريق في الفم ثم ابتلاعه

5- **Gathering the saliva in the mouth and then swallowing it, is disliked.**

وما ظن أنه يضعفه كالفصد والحجامة

6-7- **It is disliked to perform any act which is believed to weaken one from fasting, such as cupping, acupuncture and blood-letting.**

ما لا يكره للصائم

What Is Not Disliked When Fasting

وتسعة أشياء لا تكره للصائم

There are nine things that are not disliked when fasting;

القبلة والمباشرة مع الأمن

Kissing and caressing is not disliked provided one is sure (and in control of himself) that it will not lead to an orgasm or intercourse. A'ishah ((God be pleased with her)) reported that the Prophet ((God bless him and give him peace)) would kiss and caress his wives while fasting, and he had more power to control his desires than any of you.[1] If one discharges through kissing or touching, one must make up that day, but is not liable for expiation.[2]

ودهن الشارب

Rubbing oil or lotion **onto the moustache** is not disliked during the fast.

والكحل

The application of *kohl* (eyeliner) is not disliked, because there is no direct link between the eyes and the brain. The Prophet ((God bless him and give him peace)) applied kohl whilst fasting.[3]

والحجامة

Cupping (or acupuncture) is not disliked, provided that one believes he will not tire from such a thing.

والفصد

Blood-letting is not disliked if one believes he will not tire from it. Blood donating is also of this category as this could have a synergistic incapacitating effect.

والسواك آخر النهار بل هو سنة كأوله ولو كان رطبا أو مبلولا بالماء

There is no dislike to use the *siwak* at the end of the day; rather, it is sunna just like it is at the beginning of the day, even if the *siwak* is moist or wet with water. The Prophet would use the siwak at the beginning of the day and at the end while fasting.[4] And the Prophet ((God bless him and grant him peace)) also said [The siwak is sunna, so perform siwak any time you wish].[5] Imam Shafi'i on the other hand said that it is disliked in the evening as it does away with the blessed effects, which is the smell of the mouth which resembles the blood of the martyr.[6]

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[1] Bukhari 1927, Muslim 1106.

[2] Al-Hidayah 319.

[3] Ibn Majah 1678.

[4] Abu Dawud, Tirmidhi, Al-Zayla'i, vol 2, 460.

[5] Mentioned by Imam Suyuty in Jami as-Saga'ir 2/550.

[6] Al-Hidayah.

والمضمضة والاستنشاق لغير وضوء، والاغتسال، والتلفف بثوب متبل للتبرد على المفتى به

Rinsing the mouth or nostrils for other than wudu is not disliked and neither is taking a bath, or dressing in wet cloths to cool down; and the fatwa issued is in accordance with this view. These practices are not disliked according to Abu Yusuf, whilst Abu Hanifa held that they are disliked. However, it is the view of Abu Yusuf which is more widely held on the matter because Abu Dawud transmitted that the Prophet ((God bless him and grant him peace)) poured water upon his head while fasting due to thirst or heat.[1] And Ibn Umar would wet his clothes and wrap himself in them while fasting.[2]

ما يستحب للصائم

That Which Is Recommended When Fasting

ويستحب له ثلاثة أشياء

There are three things that are recommended for the one observing fast

السحور

1- **The pre-dawn meal** *(sahur)* is recommended; The Prophet ((God bless him and grant him peace)) said [Observe sahur, for verily there is blessing in the sahur].[3]

وتأخيره

2- **To delay the pre-dawn meal** to shortly before dawn is recommended. The Prophet ((God bless him and grant him peace)) said [Three things are from the qualities of the Messengers: To break the fast immediately (upon sunset), to delay sahur and to place the right hand over the left hand in prayer].[4] Note; there are some people who do not observe the pre-dawn meal, or who observe it too early. According to moderation, this is not endorsed. The Prophet and his Companions observed the pre-dawn meal to acquire strength for fasting the day and would delay the pre-dawn meal to the extent that the time between observing the meal and dawn was equal to the time one could recite fifty verses.[5]

وتعجيل الفطر في غير يوم غيم

3- **To be haste in breaking the fast on a day where there is no obstruction or clouds in the sky** is recommended in accordance with the above hadith.

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[1] Abu Dawud 2359.

[2] Mentioned by Bukhari.

[3] Bukhari 1923.

[4] Al-Haythami 2/105, Tabarani, Maraky al-Falah 389.

[5] Bukhari 575.

فصل في العوارض

Fortuitous Circumstances

المريض والحامل والمرضع

The Ill, The Pregnant And The Breast-Feeding.

The circumstances which are deemed legal and for which no sin is awarded for the breaking of fast are eight: illness, travel, coercion, pregnancy, breast-feeding, hunger, thirst and old age. In each of the cases, one is permitted to break or leave the days of fasting at hand and make up the days later when one is able. For example: an old and frail man who suffers from an illness is allowed to leave the fast and pay a fee (fidya). If this person regains strength for fasting, he must make up the days that he missed. Similarly, Ramadan may be missed in the following scenarios.

الفطر لمن خاف زيادة المرض أو بطء البرء

It is permissible to break one's fast, for one who is ill and fears (with good reason) **aggravation in his illness or a delay in his recovery.**

ولحامل ومرضع خافت نقصان العقل أو الهلاك أو المرض على نفسها أو ولدها نسبا كان أو رضاعا

A pregnant or nursing woman is permitted to leave the fast if she fears a loss of mind, death, or illness upon herself or child (regardless if the child is her own or a child she nurses). If the fear is present, she is to delay the fast to a later date. The Prophet ((God bless him and grant him peace)) said [Allah has remitted half the prayer to a traveller, and fasting to the traveller, the woman who is suckling an infant and the woman who is pregnant].[1]

والخوف المعتبر ما كان مستندا لغلبة الظن بتجربة أو إخبار طبيب مسلم حاذق عدل

The fear which is considered genuine allowing one to break his/her fast **is that which is based upon one's predominant belief through past experience or on the information from an Islamic physician who is skilful and upright.**

ولمن حصل له عطش شديد أو جوع يخاف منه الهلاك

It is permitted to break the fast if one suffers unbearable thirst or hunger in which he fears his demise or that he may lose his mind or senses.

[1] Abu Dawud 2402.

المسافر

The Traveller

وللمسافر الفطر، وصومه أحب إن لم يضره ولم تكن عامة رفقته مفطرين ولا مشتركين في النفقة ، فإن كانوا مشتركين أو مفطرين فالأفضل فطره موافقة للجماعة

The traveller is legally permitted to break his fast. However, to fast is better provided it will not harm him and provided that most of his companions accompanying him are also fasting and that each person is funding his own expenses separately, though if they are sharing the expenses of the travel or are not fasting, then it is better to break the fast and be in accordance with the group. In any case, the traveller is permitted to break his fast opting instead to make up the day at a more convenient time. Allah says [If anyone is ill or on a journey, the prescribed number should be made up from later days].[1]

ما يجب على المعذور إذا أفطر، ومالا يجب عليه

What Is And Is Not Required Of A Person Who Breaks Fast Due To An Excuse

ولا يجب الإيصاء على من مات قبل زوال عذره بمرض وسفر ونحوه كما تقدم

If a person dies before his excuse ends such as illness and travel, he is not required to make a will instructing his heirs, to redeem the days he lost. The reason is due to his excuse which remains. For example, a sick person who dies before regaining sound health is under no obligation to make a will for the days he lost because his excuse remains. Note; a missed fast is redeemed by paying the fidya (fee).

و(إن أدركوا العدة) قضوا ما قدروا على قضائه (وإن لم يقضوا لزمهم الإيصاء) بقدر الإقامة (من السفر) والصحة (من المرض)

And if one finds other days in which he can make up the missed days, then he must do so (when he regains sound health or after becoming a resident). If however, he does not make up the days, **then he is required to leave a will instructing his heirs to redeem the days he was healthy for or the days he was a resident for** (that is, the days he was able to make up but did not). Consider the following: Person 'X' fell ill for 15 days of Ramadan. Thereafter, he recovered for ten days and then died. Prior to death, this person must make a will instructing his family to make up only ten days of fasting for him because he was only fit and able for ten days and they are the days that he is responsible for. The other five days are not required because, a) he did not find other days in which he could make up the lost ones; and b) because he had only recovered for ten days. Hence, one is responsible for the days he had the ability to fast but did not. In the event

[1] Quran 2:184.

that one dies and was not in an able position to make up days, then he is not responsible. Note: If the deceased left no instructions for the fidya (fee) to be taken from a third of his estate, then it is not necessary that the fidya be given on his behalf. If however, someone wishes to volunteer, then it is accepted. The fidya is half a measure [*sa'*] of wheat, or its value for each day of fasting.

ولا يشترط التتابع في القضاء

It is not a stipulation to make up the fasts of Ramadan successively, i.e. one day straight after the other, joining all the days together. However, it is permitted to do so. It is also permitted to make up the missed fasts intermittently from time to time. In saying this, it is recommended that the fasts be made up successively and not be delayed more than they have to; in order to make haste in pious actions.

Note: the types of fasting are eleven. Eight are mentioned in the Quran, four of which are to be done successively and four which are permitted to be done intermittently; and then there are three types which are established through the sunna. As for the four that are to be performed successively, they are: 1) the performance of the current Ramadan at hand as Allah said [Whoever witnesses the month is to fast].[1] 2) For the expiation of *dhihar* as Allah said [Anyone who cannot find the means must fast for two consecutive months].[2] 3) Killing someone accidentally as Allah said [Anyone who cannot find the means is to fast for two consecutive months].[3] 4) For an oath as Allah says [Anyone without the means to do so should fast three days. That is the expiation for breaking oaths when you have sworn them].[4] Indeed, it is stipulated that such fasts be done successively.

As for the types that are permitted intermittently, they include: 1) the make-up [*qada*] of Ramadan as Allah says [But if any of you are ill or on a journey, should fast a number of other days].[5] 2) The fidya of shaving for the muhrim as Allah says [If any of you are ill or have a head injury, the expiation is fasting, or sadaqa, or sacrifice].[6] 3) The fidya for *tamattu'* as Allah says: [Anyone who comes out of ihram between umrah and hajj should make whatever sacrifice is feasible. For anyone who cannot, there are three days fast on hajj and seven on your return, that is ten in all].[7] 4) The recompense for hunting in the state of ihram as Allah says [...or expiation by feeding the poor or fasting proportionate to that, so that he may taste the evil consequences of what he did].[8]

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[1] Quran 2:185.
[2] Quran 58:4.
[3] Quran 4:92.
[4] Quran 5:89.
[5] Quran 2:184.
[6] Quran 2:196.
[7] Quran 2:196.
[8] Quran 5:95.

As for the three types established through the sunna and in which one has an option of performing intermittently, are as follows: 1) the expiation fasting [*kaffarah*] for intentionally breaking one's fast in Ramadan. 2) Optional fasting and 3) the vowed fast, i.e. one promised to perform a particular day. The same is maintained in *Bada-i' as-Sana-i'* as well in *Tuhfatul Fuqaha.*[1]

فإن جاء رمضان آخر قدم على القضاء ولا فدية بالتأخير إليه

If another Ramadan comes along, yet one has not fasted the previous Ramadan, then one is to perform the current one and thereafter make up the unperformed Ramadan. And there is no *fidya* (penalty fee) for delaying these missed fasts up to the current Ramadan. Although, according to the Shafi'i Madhhab, there is.

الشيخ الفاني

The Elderly

ويجوز الفطر لشيخ فان وعجوز فانية وتلزمهما الفدية لكل يوم نصف صاع من بر

It is permitted for a frail old person (male and female) to break their fast. They must however pay the *fidya* for every day missed. The fidya *(or fee)* is half a measure of wheat *(which equals 1.6 kg)*, or the equivalent in cash. Note: the frail old person is called the *shaikh fani* in Arabic for the reason that he is close to death. And the *ajuz faniah* is in reference to an elderly female.

من نذر صوم الأبد فضعف

One Who Vowed To Fast His Entire Life And Weakened As A Result

كمن نذر صوم الأبد، فضعف عنه - لاشتغاله بالمعيشة - يفطر ويفدي. فإن لم يقدر على الفدية لعسرته يستغفر الله سبحانه ويستقيله

If a person vowed to fast his entire life and as a result becomes weak and feeble because of his working efforts to provide for himself and family, then he is to break his fast and pay the *fidya*. If however, he is unable to pay the *fidya* due to financial difficulty, then he is to seek forgiveness from Allah and rescind his vow; (i.e. one is to seek pardon for his shortcoming).

[1] Bada-i' as-Sana-i' 2/210 | Tuhfatul Fuqaha 2/341 [Maraky al-Falah 392].

متى لايجوز الفدية

When The Payment Of The Fidya (Penalty Fee) Is Not Valid

As there is expiation to atone for violations of fasting, there also exists expiation for other violations. Such expiations become imposed for issues like breaking one's oath and murder. The expiation (kaffarah) of a broken oath is, 1) to free a sound Muslim slave, 2) to feed ten poor people, 3) to provide clothing for ten such persons. If one is unable to do any of the above, one must fast for three days.

ولو وجبت عليه كفارة يمين أو قتل فلم يجد ما يكفر به من عتق وهو شيخ فان أو لم يصم حتى صار فانيا لا يجوز له الفدية لأن الصوم هنا بدل عن غيره

If the expiation of a broken oath or murder is required of a person, and he does not have the financial means to carry out the expiation of freeing a slave or to feed or clothe unfortunate persons, ***then he is required to fast.*** **Though if this person is old and feeble** and therefore unable to fast **or he does not fast** when he has the ability to do so **until he becomes old and enfeebled, then in both cases, it is not permitted to pay the fidya.** The same applies to the expiation [*kaffarah*] of fasting. In addition, one cannot undertake the atonement of fasting unless he is unable to expiate with payment.[1]

يجوز لصائم التطوع الفطر بعذر وبغيره

The Permissibility Of Breaking Voluntary Fast With Or Without A Reason

ويجوز للمتطوع الفطر بلا عذر في رواية

It is permitted for a person who is performing a voluntary fast to break it with no reason, according to the opinion of Abu Yusuf. A'ishah ((God be pleased with her)) said: The Apostle of Allah ((God bless him and give him peace)) came to me one day and said [Is there anything with you (to eat)?] I said, "No." Thereupon, he said [I shall then be fasting]. Then he came another day and we said, "Messenger of Allah, hays *(a type of food)* has been offered to us as a gift." Thereupon he said "Show that to me." He then said, "I had been fasting since morning," then he ate.[2] It is vital to point out, that if one breaks a voluntary fast, it becomes necessary to make it up as an act of devotion.

والضيافة عذر على الأظهر للضيف والمضيف وله البشارة بهذه الفائدة الجليلة

Entertaining is regarded as a reason (for breaking a voluntary fast) according to the most evident view, for both the guest and the host, and for them is the glad tidings of this great benefit in that the Prophet ((God bless him and give him peace)) said [Whomever breaks his fast for the right of his brother, the rewards of

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[1] Maraky al-Falah 393.

[2] Muslim 1154.

fasting a thousand days are written for him and upon making up the day, the rewards of (another) thousand days of fasting are added to (his) account)]. This hadith has been specifically indicated to by the author of Nur al-Idah. This means a guest may break his voluntary fast to entertain his host, and the host may break his voluntary fast to entertain his guest. And Allah knows best.

وإذا أفطر على أي حال عليه القضاء إلا إذا شرع متطوعا في خمسة أيام : يومي العيدين وأيام التشريق فلا يلزمه قضاءها بإفسادها في ظاهر الرواية

If a person breaks a voluntary fast in any situation (whether there is a reason or not), **he is required to make up the day, except if he begins to fast during one of the five following days, they being the two days of Eid and the days of Tashriq, for verily there is no requirement to make up the days if one breaks his fast during these days** (as we have been prevented from fasting on these days) **and this is the most evident view on the matter** as held by Abu Hanifa, for it is not permitted to complete the fast upon these days, on the basis that he has engaged in something prohibited. Thus, he is ordered to break his fast and attend to entertaining his guest during these days of celebration and Allah knows best.

باب ما يلزم الوفاء به من منذور الصوم والصلاة ونحوهما

Fulfilling One's Promise Such As Fasting, Prayers and Other.

متى يلزم الوفاء بالنذر

When Is One Required To Fulfil His Promise

إذا نذر شيئا لزمه الوفاء به إذا اجتمع فيه ثلاثة شروط

If a person vows to perform good deeds, then he must fulfil what he promised, provided three conditions are met. Allah Almighty said ((let them fulfil their vows)),[1] and the Prophet ((God bless him and grant him peace)) said [Whomever vowed to obey Allah, then he should obey Allah and whomever vowed to disobey Allah, should not disobey Him].[2]

أن يكون من جنسه واجب

1-The act (one promises) is to be from a category which is *wajib*, such as fasting, prayer, and hajj. This means that a person can make a vow to observe fast and prayer since prayer and fasting (in essence) originate from a *wajib* category.

و أن يكون مقصودا

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[1] Hajj 29.

[2] Bukhari 6696.

2-The ***primary* actual act itself must be specifically intended by the person,** not the pre-requisite of the act; for example, one cannot promise to make wudu because it is the pre-requisite to prayer. And wudu is not the primary thing that is intended, but we do so in order to pray. Hence, one cannot intend a thing that is linked to the act; rather, he must intend the act. It is the primary act itself which one must vow, such as prayer, fasting, charity etc.

و أن يكون ليس واجبا

3- **The act that one promises must not already be required of a person,** for example, one cannot promise to pray the noon prayer (dhuhr) because it is already compulsory to perform. Hence, one cannot promise to perform an act that he must already perform, but rather it is an additional act.

فلا يلزم الوضوء بنذره

One is therefore not required to perform wudu if he promises to do so because it is not the primary act; rather, it is the precondition for prayer and other acts of worship.

ولا سجدة التلاوة

Likewise, a person is not required to perform the recital prostration if he vows to do so because it is already necessary to respond to the prostration verse if one hears or recites it.

ولا عيادة المريض

One is not required to visit the ill if he promises to do so (because it does not originate from a wajib category as mentioned in point 1 above. Though Abu Hanifa disagreed saying; that If one intends to visit his ill brother today, then his vow is valid and if one promised to visit his friend, he is not required to fulfil this, because the visiting of the ill is a worship and he mentioned the saying of the Prophet ((God bless him and give him peace)) [The one who visits the sick is as though he is in the fruit garden of paradise until he returns].[1]

ولا الواجبات بنذرها

Promising to do acts of worship which are already required is not valid because they are already imposed on the person by law.

ويصح بالعتق

One's vow is valid if he promises to free a slave for the reason that it is compulsory to do so in the event of kaffarah (expiation) where one is required to free a slave.

والاعتكاف

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[1] Muslim 2568.

If a person vows to perform religious retreat *(I'tikaf)* then the vow is valid in that one may perform it as a promised act since it originates from a wajib category.

والصلاة غير المفروضة والصوم

Vowing to perform a voluntary prayer or fast is valid and after one has promised them, they become necessary to perform, and ***equally sadaqah (charity)*** is also included in this category.

فإن نذر نذرا مطلقا أو معلقا بشرط ووجد لزمه الوفاء به

If a person vows a general (unspecified) promise, such as saying, "I swear by Allah that upon me is a two rak'ah prayer," **then he is required to fulfil this vow. If on the other hand one attaches a condition to a promise**, such as, "If Allah grants me a child, I shall feed ten people," **then he is also required to fulfil the vow if the condition or event occurs** such as a child. Hence, vowing to fast an unspecified day or a vow that is subject to a condition are necessary to fulfil.

حكم من نذر صوم العيدين

The Ruling Of One Who Vowed To Fast The Two Days Of Eid

وصح نذر صوم العيدين وأيام التشريق في المختار ويجب فطرها وقضاءها

Promising to fast both the days of Eid as well as the days of Tashriq is valid, and this is the opted view on the matter, though it is necessary to break the fast during these days mentioned and make up the days later, as Abu Hurairah reported that the Prophet ((God bless him and grant him peace)) prohibited fasting two days, Eid al-Fitr and Eid al-Adha.[1]

وإن صامها أجزأه مع الحرمة

If however one keeps fast on these days (of Eid and Tashriq due to their vow) **it is valid, though it is unlawful.**

ما لا اعتبار له في النذر، وما يجب اعتباره

That Which Is Disregarded In A Vow And That Which Is Binding

وألغينا تعيين الزمان والمكان والدرهم والفقير

Factors that are not binding (and disregarded) **as being part of a vow are the specification of the time, place, as well as the specification of dirhams or a specific poor person.** For example, if one vows to donate a particular dirham or to feed a particular poor person, one is not obliged to donate that particular dirham or feed that particular poor person since these specifications in a promise are not binding, though the act itself must still be carried out. The rationale being that it is the pious action that brings one closer to Allah which is the aim, it is not the time, place or person, and for this reason, the time, place or person are disregarded in the vow.

[1] Muslim 1137.

فيجزؤه صوم رجب عن نذره صوم شعبان

If one promises to fast the month of Sha'ban and instead fasts the month of Rajab, it is valid for the reason that the promise to fast is the objective. The actual month is not required to have arrived, and because one did not wait for the month to arrive, he has benefited in the rewards, which may have been missed in the event of death or other reasons.

وتجزئه صلاة ركعتين بمصر نذر أداءهما بمكة

If a person promises to perform two rak'ahs in Makkah and instead prays them in another city, it is valid and permitted, because the pious act is achieved, not the place where it was carried out.

والتصدق بدرهم عن درهم عينه له

Promising to give sadaqah with a specific dirham, but instead donating a different dirham is valid due to the pious act, and because specifying a particular dirham or money is not considered as being part of the vow.

والصرف لزيد الفقير بنذره لعمرو

If a person promises to feed or assist a poor person named Umar and instead opted with Zaid, the vow and pious act is valid, because the meaning of a pious act involving sadaqah is to satisfy the need of the poor; and this is the intended meaning without considering the time, place or person. However, this is contrary to Imam Zufar who said, *"One should specify these factors."*

وإن علق النذر بشرط لا يجزئه عنه ما فعله قبل وجود شرطه

If one makes his vow conditional, such as saying, "I swear by Allah if I regain sound health, I will give sadaqah," which means the promise of giving sadaqah is based upon a condition, **then its performance before the arrival of the condition does not suffice**, since the vow is linked with the condition.

باب الاعتكاف

I'tikaf « Religious Retreat » [1]

تعريف الاعتكاف

The Definition Of I'tikaf

تعريفه هو الإقامة بنيته (أي: بنيته الاعتكاف) في مسجد تقام فيه الجماعة بالفعل للصلوات الخمس

Its definition is to remain with the intention (of seclusion) in a masjid where the five daily prayers are performed in congregation. Ali and Hudhayfa ((God be pleased with them)) said [There is no religious retreat (I'tikaf) except in a congregational mosque].[2]

فلا يصح في مسجد لا تقام فيه الجماعة للصلوات على المختار

It is *not* valid in a masjid where the five daily prayers are not performed in congregation, and this is the opted opinion on the matter.

وللمرأة الاعتكاف في مسجد بيتها وهو محل عينته للصلاة فيه

***I'tikaf* for a female is the masjid of her home, which is a place she has designated for prayer in her home** (the place where she customarily performs her prayers).

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[1] Linguistically, I'tikaf means to seclude oneself and remain; such as to say, "This person *'akafa* upon the Quran;" meaning that he remained in the state of reciting Quran. And I'tikaf has been a practice in the *masjids* from the laws prior to Islam, though Islam affirmed and established it. And the proof that *I'tikaf* was practiced in the laws before Islam is the statement of Allah in the Quran "We covenanted with Abraham and Ismail that they should sanctify My house for those who compass it round or use it as a *retreat*, or bow or prostrate themselves [therein in prayer]." (Al-Baqarah 125). And another proof that Islam sanctioned *I'tikaf* is the establishment of the Prophet ((God bless him and grant him peace)) whom would retreat the last ten days of Ramadan, until he died and it has been established that the wives of the Prophet ((God bless him and give him peace)) observed *I'tikaf* after him.

[2] Tabarani 9/302. The hadith is deemed *mawquf*.

أنواع الاعتكاف

The Types Of I'tikaf

والاعتكاف على ثلاثة أقسام

There are three types of I'tikaf;

واجب في المنذور

1- **Necessary type (*wajib*) - this type of *I'tikaf* is that which one vows to do**; such as promising, "I swear by Allah, I shall observe *I'tikaf*" or "If Allah cures the illness of such and such, I shall observe I'tikaf." Fasting is conditional when observing this type of *I'tikaf.* To spend less than one day in this type of *I'tikaf* is not permitted.

وسنة كفاية مؤكدة في العشر الأخير من رمضان

2- The second is ***sunna mu'akkada* (an emphasized sunna) in the last ten days of Ramadan**. This type of *I'tikaf* is sunna kifaya, meaning that it is a communal sunna.

ومستحب فيما سواه

3- **The third type is that which is recommended any other time of the year** apart from the above two types.

والصوم شرط لصحة المنذور فقط

Fasting is a condition only for the vowed *I'tikaf,* (which is the wajib type mentioned above, not the voluntary type). Note, there is no *vowed I'tikaf* unless one orally expresses it, because it is linked with the tongue, though this is not the case with the intention because the place for that is the heart. The Prophet ((God bless him and give him peace)) said [There is no I'tikaf without a fast].[1] This means that fasting is conditional for the *wajib form of I'tikaf* on the basis of unanimous narration.

وأقله نفلا : مدة يسيرة ، ولو كان ماشيا على المفتى به

The shortest period for the recommended *I'tikaf* is any duration of time according to Imam Muhammad. This is established by remaining for a moment with the intention of *I'itkaf* **even if one does this while walking through the masjid, and the fatwa given is in accordance with this view.** Though according to Abu Hanifa, the shortest period for making *I'tikaf* is one day. According to Imam Abu Yusuf, it is the greater part of the day.

[1] Darqutani and al-Baihaqi.

متى يجوز الخروج من المعتكف؟ ومتى لا يجوز؟

When Is It Permissible To Exit The Masjid In I'tikaf?

ولا يخرج منه إلا لحاجة شرعية كالجمعة أو طبيعية كالبول أو ضرورية كانهدام المسجد ، وإخراج ظالم كرها ، وتفرق أهله

A person in *I'tikaf* is not to leave the *masjid* except for a legal need such as the Friday prayer or to answer the call of nature, such as urinating, or because of necessity, such as the collapse of the masjid. In addition, one may leave if he is coerced by an oppressor or because his family members have been separated and he is required to attend to them.

وخوف على نفسه أو متاعه من المكابرين فيدخل مسجدا غيره من ساعته

If one fears for himself or his goods from a rebel, then he is permitted to leave and enter another *masjid* immediately after leaving the first one; and one must not engage in anything except in the travel to the other masjid.

فإن خرج ساعة بلا عذر فسد الواجب وانتهى به غيره

If one exits the *masjid* for any duration of time without a valid reason, the *wajib* form of *I'tikaf* becomes invalid and other types of *I'tikaf* such as the voluntary type is deemed over (that is, it has come to an end due to leaving the masjid).

وأكل المعتكف وشربه ونومه وعقده البيع لما يحتاجه لنفسه أو عياله في المسجد

The person performing *I'tikaf* is permitted to eat, drink, sleep and to form a contract for the purpose of trade for himself or family, a contract which he or his family are in need of; this is to be performed only within the masjid. This is owing to the fact that if one leaves the masjid for this reason it would spoil the retreat. It is therefore permitted with dislike.

Al-Hidayah states that eating, drinking and sleeping are to take place at the location of the *I'tikaf*. The basis for this is that there was no place of abode for the Prophet ((God bless him and grant him peace)) except the masjid. Further, it is possible to meet these needs in the masjid, and there is no necessity of coming out for them.[1]

[1] Al-Hidayah 343.

بيان ما يكره للمعتكف فعله

That Which Is Disliked In Religious Retreat (I'tikaf)

وكره إحضار المبيع فيه

It is disliked to bring items of trade to the *masjid* for the purpose of trade, for one should not turn the masjid into a marketplace.

وكره عقد ما كان للتجارة

It is disliked to form a contract for the purposes of trade even though it is permitted, as one has devoted himself to Allah and should not engage in the matters of the world.

وكره الصمت إن اعتقده قربة (والتكلم إلا بخير)

It is disliked to maintain complete silence if one believes it is an act that will bring him closer to Allah, though if a person is silent because he has nothing to say, it is not disliked. Muslims are prevented from remaining silent as an act of worship for the reason that it was, and is the observance of the Christians and the Jews. Abu Hurairah narrated from the Prophet ((God bless him and grant him peace)) that the Prophet prohibited continuous fast and the silent fast].[1] If one observes silence without believing it to be a pious act, but rather held his tongue from speaking things of no benefit, then there is no harm. In addition, it is commendable to recite Quran, to remember Allah through invocations, hadith, knowledge, learning and the biography of the Prophet ((God bless him and grant him peace)), or the biographies of the heroes of Islam and the books of religion. **One is to engage in beneficial discussion and learning.**

ما يحرم على المعتكف، وما يبطل الاعتكاف

What Is Unlawful In I'tikaf And Its Nullification

وحرم الوطء ودواعيه

It is forbidden to indulge in sexual intercourse or to kiss and fondle. Allah said [Do not associate with your wives while you are in retreat in the masjid].[2]

وبطل بوطئه وبالإنزال بدواعيه

***I'tikaf* is nullified if one indulges in sexual intercourse or has an orgasm as a result of kissing and fondling,** and it does not matter if one indulges in these actions on purpose or forgetfully, or whether he was keen to comply or under duress or whether it was in the day or night. If an orgasm results, the retreat is nullified.

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[1] Abu Hanifa's Musnad 1/192.

[2] Al-Baqarah 187.

ولزمته الليالي أيضا بنذر اعتكاف أيام

If a person *vows* to observe *I'tikaf* for a certain number of days, then he must observe *I'tikaf* during the nights of those days as well.

ولزمته الأيام بنذر الليالي متابعة ، وإن لم يشترط التتابع في ظاهر الرواية

A person who *vows* *I'tikaf* for a certain number of nights must also observe the days consecutively even if a consecutive order is not stipulated when vowing. **And this is the most evident view on the matter.** The basis for this is that *I'tikaf* is built upon a consecutive order in that it continues through the night and day, though this is contrary to a fast which is built upon separation in that the nights are *not* acceptable for the fast. Thus, fasts are obligatory with *separation* even if the person expressly stipulates a consecutive order.[1]

ولزمته ليلتان بنذر يومين

A person who *vows two days* in retreat must also remain for two nights. The reason that the nights become binding with the days is because this person intended a dual form which is a combination of both day and night in meaning. One is therefore bound by the ruling as a precaution. One must therefore enter the masjid a little time before the sun sets on the basis that the night precedes the day and remain for two nights and two days.[2]

وصح نية النهر خاصة دون الليالي

If a person forms an intention specifically for the days without the nights, it is valid because it is directed towards the actual object.[3]

وإن نذر اعتكاف شهر ونوى النهر خاصة أو الليالي خاصة لا تعمل نيته إلا أن يصرح بالاستثناء

If one *vows* *I'tikaf* for a month (whether it is specified or not) **and he intends the *days only* or intends the *nights only*, then this intention cannot come into effect unless he expresses what he wishes *to rule out and exclude* in his intention,** such as the saying, "One month in the day excluding the nights."

[1] Maraky al-Falah 404.

[2] Maraky al-Falah 404.

[3] Maraky al-Falah 404.

مشروعية الاعتكاف ومنزلته وحكمته

The Legality Of I'tikaf, Its Status And Wisdom

والاعتكاف مشروع بالكتاب والسنة

Religious retreat [*I'tikaf*] is legal and permissible through Quranic text and the Prophet's sunna. Allah states in the Quran [Do not associate with your wives while you are in I'tikaf (retreat) in the masjid].[1] As for the sunna, A'ishah narrated that the Prophet ((God bless him and give him peace)) would perform I'tikaf in the last ten days of Ramadan when he arrived at Madina until Allah took his soul].[2] Imam al-Zuhri said; *"I am amazed at the people in how they left I'tikaf, whilst the Prophet ((God bless him and grant him peace)) would perform this action. They leave it whilst the Prophet did not, until he passed."*

وهو من أشرف الأعمال إذا كان عن إخلاص

Religious retreat is from the most honourable of actions, provided it is performed with sincerity to Allah, for the reason that this person in *I'tikaf* is waiting for the group prayer in the masjid and is therefore like one who is constantly engaged in prayer. The Prophet ((God bless him and grant him peace)) said [The slave (of Allah) does not cease prayer so long as he is in the masjid waiting for the prayer].[3]

ومن محاسنه ، أن فيه تفريغ القلب من أمور الدنيا وتسليم النفس إلى المولى

From the benefits and merits of *I'tikaf* is the heart being separated from the matters of this world while submitting to the Master and Owner of all that exists.

وملازمة عبادته في بيته

Another merit is a person's remaining in actions of worship in the house of Allah as in accordance with the hadith of the Prophet ((God bless him and give peace)) who said that Allah said [I am to my servant as he expects of Me. I am with him when he remembers Me. If he remembers Me in his heart, I remember him in Myself. And if he remembers Me in an assembly, I mention him in an assembly better than his. And if he draws nearer to Me a hand- span, I draw nearer to him an arm's length. And if he draws nearer to Me an arm's length, I draw nearer to him a fathoms length and if he comes to Me walking, I rush to him at great speed].[4]

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[1] Al-Baqarah 187.

[2] Bukhari 2026, Muslim 1171.

[3] Bukhari, the Book of Wudu; Maraky al-Falah 405.

[4] Bukhari.

والتحصن بحصنه

In addition to the benefits is; one is fortified (safeguarded) with His strong hold.

وقال عطاء رحمه الله : مثل المعتكف ، مثل رجل يختلف على باب عظيم لحاجة ، فالمعتكف يقول : لا أبرح حتى

يغفر لي ذنوبي التي هي سبب بعدي ونزول مصابي.

'Ata ibn Abi Rabah stated the following: the example of a person in *I'tikaf* is like the person who stands and waits on a great door (of a king, great minister or an imam) **because of a need he has. Equally, the person in *I'tikaf* utters, *"I will not leave and depart from the 'door' of my Maker until He has forgiven me* my sins, which are the reasons for the distance between me and Him and the descending of calamities upon me."** 'Ata ibn Abi Rabah was a *tabi'i*, a student of Ibn Abbas ((God be pleased with him)) and one of the teachers of Imam Abu Hanifa. Abu Hanifa said of him [I did not see anyone greater in jurisprudence than Hammad and that there was no one whom had gathered the entirety of knowledge more than 'Ata Ibn Abi Rabah]. Most of the narrations of Abu Hanifa were from 'Ata whom heard it from Ibn Abbas and Ibn Umar, Abu Hurairah, Abu Sa'id, Jabir and A'ishah. He died in 115 Hijrah and he was eighty years of age].

والحمد لله الذي هدانا لهذا وما كنا لنهتدي لولا أن هدانا الله وصلى الله على سيدنا ومولانا محمد خاتم رسله

وأنبيائه وعلى آله وصحبه وذريته ومن والاه. ونسأل الله سبحانه، متوسلين أن يجعله خالصا لوجهه الكريم وأن

ينفع به النفع العميم ويجزل به الثواب الجسيم.

هبت الفتاح
بتكملة نور الإيضاح
تأليف
محمد محيي الدين عبد الحميد

*The following « **Hibatul Fattah** » is a completion of the book Nur al-Idah by Muhammad Muhyi al-Din Abdul Hamid*

The Chapter of Zakat

Book V: The Chapter Of Zakat

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كتاب الزكاة

The Chapter Of Zakat

معنى الزكاة

The Meaning Of Zakat

تطلق الزكاة لغة على معنيين:

Literally, zakat has two meanings,

أحدهما الطهارة، ومنه قوله تعالى : (خذ من أموالهم صدقة تطهرهم وتزكيهم بها)

1- The first is purity, such as the saying of Allah [Take from their wealth so that you might *purify* and sanctify them].[1]

و ثنيهما الزيادة و النماء، و منه قولك : زكا الزرع ، بمعنى نما و زاد .

2- The second meaning is extra and growth, such as when a person says (the plants have *grown*) intending the meaning, that they have increased.

و تطلق الزكاة في الشريعة على تمليك جزء من المال معين شرعا من فقير مسلم غير هاشمي و لا مولاه

Zakat according to the Sacred Law is; the ownership of a certain amount of wealth that has been prescribed by the law for a poor Muslim who is not a Hashimy and neither a slave of a Hashimy. Note; ownership (or possession) means exclusive control over it and the right to undertake transactions with it.

حكمها، وبيان من تفرض عليه

Its Ruling And Upon Whom Is It Obligatory

والزكاة فرض على كل من اجتمعت فيه خمسة شروط : أن يكون مسلما، وأن يكون حرا ، وأن يكون بالغا ، وأن يكون عاقلا،

Zakat is obligatory on a person who satisfies five conditions;

1- One must be a Muslim. Zakat is not compulsory on the wealth owned by an unbeliever living in a Muslim country; rather they will pay *jizya* - a protection tax. The reason Islam is conditional is because zakat is an act of worship and such worship cannot be brought about by an unbeliever.

2- The person must be free, not a slave. The reason freedom is stipulated is because perfect ownership can only arise through it.

3- Maturity is conditional for the reason that it is not imposed upon a minor.

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[1] Quran 9:103.

4- **Sanity** is conditional for the reason that zakat is not necessary on the wealth possessed by children who have not yet gained intellect or those mentally unsound according to Imam Abu Hanifa. However, Imam Malik, Shafi'i and Ahmad hold that it is compulsory to be paid either by their parents or guardians.

وأن يكون مالكا لنصاب من سائمة أو نابتٍ أو نقدٍ أو ما يساويه قيمة من عروض التجارة.

5- **One must be in possession of a nisab (minimum amount)** from things of a productive nature of which a profit is derived, **such as grazing cattle, crops, gold, silver or merchandise for business.** The nisab is a sum of wealth large enough to require the owner to pay zakat on it. In addition, there is no zakat on effects that are not of a productive nature, even if these things are in excess of one's needs, such as cars, utensils, food, clothing, shelter, or furniture etc., if such items are not for trade.

شروط وجوب أداءها

Conditions That Obligate Its Payment

و يشترط لوجوب أدائها : أن يحول الحول على ملك النصاب الأصلي.

The condition that obligates one to pay zakat is; the possession of the original nisab (minimum amount) for a complete year. Meaning, one must own the minimum amount and a year must pass over such ownership. Accordingly, the obligation immediately arises on the passage of a year.

شروط صحة أداءها

Conditions That Validate Its Performance

ويشترط لصحة أدائها : أن ينوي المزكي الزكاة : إما عند أدائها للفقير، و إما عند عزل المقدار الواجب عليه من ماله، ولا يشترط علم آخذ الزكاة بأن ما يأخذه زكاة.

In order for the act of offering the zakat to be valid, the one paying the zakat is required to intend zakat, and he may do this when paying the zakat to the poor or at the time when he is separating the required amount from the rest of his wealth. This is essential to the proper performance of the act of giving zakat. To offer zakat without an intention coinciding with the payment or with the setting-aside of the obligatory portion is not valid. **It is not a stipulation for the poor person receiving the zakat to know that he is receiving zakat.**

ما تجب فيه الزكاة

The Types Of Wealth On Which Zakat Must Be Paid

و تجب الزكاة في خمسة أجناس :

There are five types of wealth on which zakat is compulsory;

الأول : النقد وهو الذهب والفضة

1- **The first is gold and silver** whether it is in the form of bullion, jewellery, cash or bank notes. The value of these is to be equal to the amount discussed ahead.

والثاني : السوائم وهي الإبل والبقر والغنم اتفاقا ، والخيل عند أبي حنيفة

2- **The second is livestock and they are camels, cows and sheep** (which is agreed upon in the Madhhab). **According to Abu Hanifa zakat is required upon horses.** Note; livestock refers to cattle that graze on pastures.

والثالث : عروض التجارة ،

3- **The third is merchandise of trade** once it equals the value of the nisab.

والربع : ما تنبت الأرض من الزروع والثمار،

4- **The fourth is on that which the earth produces from crops and plantations of fruit** (food crops).

و الخامس : الركاز.

5- **The fifth is treasure troves (minerals, gas, coal etc.).**

نصاب النقدين وزكاتهما

The Nisab (Minimum Amount) On Gold And Silver

ولا شيء في النقد حتى يبلغ من الذهب عشرين مثقالا ، ومن الفضة مائتي درهم ، فإذا بلغ ذهب عشرين مثقالا

وجب فيه ربع العشر وهو نصف مثقال ،

The nisab is the portion of wealth (minimum amount) a person owns that requires him to pay zakat. If a person possesses this nisab (minimum amount) for a complete lunar year, the poor now owns this portion and the owner is obliged to pay zakat.

Zakat is not due on gold until it reaches twenty mithqols (the approximate weight being 87 grams).[1] **And with respect to silver, there is no zakat due on it until there is 200 dirhams** (the approximate weight being 700 grams). This is the nisab (minimum amount) which is required before zakat becomes due. **When the gold reaches twenty mithqols** (or 87 grams), **it is necessary to pay 2.5 % on it – which is half a mithqol.** *Note: if a person owns currency that equals this value, then one must pay zakat on it.*

ثم في كل أربعة مثاقيل تزيد على العشرين عشر مثقال،

Then, for every four mithqols (in excess of the twenty mithqols), **one is to pay one tenth of a mithqol** (*or the equivalent value*).[2] *This means that when there is twenty mithqols of gold (or 87 grams; or one possesses currency that equals the value of this amount), 2.5% is required. The additional amount that is over and above the twenty mithqols incurs no fee until it reaches four mithqols (or 17.4 grams). When it does reach four mithqols (one tenth of a mithqol or its value is due).*

فإذا بلغت الفضة مائتي درهم وجب فيها ربع العشر وهو خمسة دراهم، ثم في كل أربعين درهما تزيد على

المائتين درهم واحد ،

When the silver reaches 200 dirhams, it is necessary to pay 2.5% on it, which is five dirhams. Then, for every forty dirhams (after the initial 200), **one dirham is due.**[3]

وهذا مذهب أبي حنيفة، وقال أبو يوسف و محمد : يجب في كل ما زاد عن النصاب ربع العشر ولو كان الزائد قليلا.

This is the ruling held by Abu Hanifa (with respect to the amount that increases upon the nisab), **whereas Abu Yusuf and Muhammad said, whatever increases upon the minimum amount (nisab) requires 2.5% to be paid even if it is very little.**

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[1] A mithqol (synonymous here with a gold dinar) is a gold piece. [Kitab al-Athar 166]. Note: the figure of 87 grams for gold and the 700 grams for silver is from taken from Maraky al-Falah [*The Fiqh of Abu Hanifa And Its Proofs*, Vol. 1/331] – Maraky al-Falah 410.

[2] Note: one mithqol equates to approx 4.35 grams. Four equates to 17.4 grams.

[3] Note: 40 dirhams equate to 140 grams, because 1 dirham equates to 3.5 grams. Therefore 40 x 3.5 equals 140 grams. Hence, 700 grams requires 2.5%. And for every 140 grams after that, one dirham is due.

Therefore, the two jurists maintain that whatever amount exceeds the 20 mithqols or 200 dirhams is subjected to zakat by the same calculation. The basis for this view are the words of the Prophet ((God bless him and grant him peace)) addressed to Ali [What is in excess of the 200 dirhams is subjected to its prescribed rate].[1] Abu Hanifa relies upon the words of the Prophet in a tradition of 'Amr ibn Hazm [There is no sadaqa in what is less than forty].[2]

Summary of zakat on gold

A) There is no zakat on any gold less than 20 mithqols (or 87 grams), b) when there are 20 mithqols and a lunar year passes over it, then half a mithqol is due upon it (or 2.5%), c) then, for every 4 mithqols after the initial 20 mithqols, one tenth of a mithqol is due. Note: if, after the initial 20 mithqols there is some excess, but it is less than 4 mithqols, no zakat is due, d) zakat is imposed on gold and silver dust as well as on jewellery and utensils made of them. Shafi'i said that it is not imposed on women's jewellery nor on silver rings for men. The reason is that it is lawful; therefore, they are similar to dresses worn. The Hanafis maintain that the cause is wealth that grows, and the evidence of growth is present and that is its readiness for use in trade by the very nature of its creation. This evidence is legally acknowledged as distinguished from dresses.[3] Imam Muhammad said: "As for jewellery consisting of gems and pearls, there is no zakat due on that, whatever the case, but if it is gold and silver jewellery, then zakat is due upon it, unless it belongs to an orphan, boy and girl, who has not come of age, in which case there is no zakat due on their money. This is the verdict of Abu Hanifa."[4]

Summary of zakat on silver

A) There is no zakat on silver less than 200 dirhams, b) if there are 200 dirhams and a lunar year passes over it, 5 dirhams are due, c) if there is any excess, nothing is due until it reaches 40 dirhams; and then 1 dirham is due for it. Likewise, for every 40 dirhams after that, 1 dirham is due, d) if the predominant part in silver metals or dirhams is silver, then their ruling is that of silver, but if the predominant part is another metal, then their ruling is that of goods or commodities. In addition; one must pay zakat on the currency that he has owned for a complete lunar year if it equals at least the market value of 700 grams of silver. Since the zakat is for the benefit of the poor, if the money one owns corresponds to the minimum value of silver, zakat must be paid.

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[1] Abu Dawud.

[2] This is found in the document of 'Amr ibn Hazm (God be pleased with him). Al-Zayla'i, vol.2, 367. [Al-Hidaya 268].

[3] Al-Hidaya 269.

[4] Muwatta of Imam Muhammad 153. Kitab al-Athar 169.

شروط وجوب الزكاة في السوائم

Conditions That Make Zakat Obligatory On Live Stock

يشترط لوجوب الزكاة في السوائم ثلاثة شروط

Zakat on livestock becomes obligatory when three conditions are satisfied.

الأول : أن يمضي عليها حولٌ وهي في ملك صاحبها،

1. The first requires a year to pass over the animals while they are in the possession of their owner.

والثاني : أن تبلغ نصابا

2. The second requires the animals to reach the minimum number (nisab). Note: Zakat on animals is calculated in number and not value.

والثالث : أن ترعى في كلإ مباح طول العام أو أكثره ، فلو كانت ترعى فيما يستنبته صاحبه أو كان يشتري لها العلف لم تجب فيها الزكاة.

3. **The animals must spend the whole year or most of it grazing in pastures. If the animals graze or eat from what the owner has grown or paid for, such as hay, then the zakat is not necessary to pay.**

زكاة الإبل

The Zakat on Camels

ليس في أقل من خمسة من الإبل السائمة زكاة ، فإذا كانت خمسا وحال عليها الحول ففيها شاة من الغنم ،

There is no zakat if a person owns less than five camels. When a person owns five camels and a (lunar) year passes over them, then the zakat of one sheep is to be paid. This is the case up to nine camels.

إلى أن تصير الإبل عشرا ففيها شاتان ، إلى أن تصير الإبل خمس عشرة ففيها ثلاث شياه ، إلى أن تصير الإبل عشرين ففيها أربع شياه ،

When the number reaches 10 (up to 14), **the zakat due is 2 sheep. When they reach 15** (up to 19), **the zakat is 3 sheep. When the number reaches 20** (up to 24), **the zakat is 4 sheep.**

إلى أن تصير الإبل خمسا وعشرين ففيها بنت مخاض من الإبل، وبنت المخاض هي التي تم لها سنة وطعنت في الثالثة،

When they reach 25 head (up to 35), **the zakat is one *bint makhad*, a she-camel which is one year old and entered its second year.**

ثم إذا صارت الإبل ستا وثلاثين ففيها بنت لبون من الإبل ، وبنت اللبون هي التي تم لها سنتان و طعنت في الثالثة

When they are 36 (up to 45), the zakat due is one ***bint labun***, a she-camel which is two years old and has entered its third year.

ثم إذا صارت الإبل ستا وأربعين ففيها حقة ، والحقة هي التي تم لها ثلاث سنين وطعنت في الرابعة،

When they reach 46 (up to 60), there is a charge of one ***hiqqah***, a she-camel which is three years of age and has entered its fourth.

فإذا صارت الإبل إحدى وستين ففيها جذعة، والجذعة هي التي تمّ لها أربع سنين و طعنت في الخامسة،

When they are 61 (up to 75) there is a charge of one ***jadha'ah***, a she camel which is four years old and has entered its fifth year.

فإذا صارت الإبل ستا وسبعين ففيها بنتا لبون، فإذا صارت إحدى وتسعين ففيها حقتان إلى مئة وعشرين،

When they are 76 (up to 90) the charge is two ***bint labuns***. When they are 91 (up to 120) the charge is two ***hiqqahs***.

فإذا زادت عن ذلك ففي كل خمس شاة ، إلى أن تصير مائة وخمسا وأربعين ففيها حقتان وبنت مخاض، إلى إن تصير

مائة وخمسين ففيها ثلاث حقاق،

When the number ***exceeds*** 120 (up to 144), the charge is one sheep for every five camels. Therefore, for the first five in ***excess*** of 120, there is one sheep; for ten, there is two seep; for fifteen, there is three sheep etc. up to 144. When the camels reach 145 (up to 149) the zakat due is a pair of ***hiqqahs*** plus one ***bint makhad***. When there are 150, the zakat due is three ***hiqqahs***.

ثم في كل خمس تزيد على ذلك العدد شاة حتى تصير مائة وخمسين وسبعين ففيها ثلاث حقاق وبنت مخاض

Thereafter, for every five camels in ***excess*** of 150 (up to 174), the zakat is one sheep. When they are 175 in number (up to 185) the zakat is three ***hiqqahs*** plus one ***bint makhad***.

حتى تصير مائة وستا وثمانين ففيها ثلاث حقاق وبنت لبون ، حتى تصير مائة وستا وتسعين ففيها أربع حقاق إلى

أن تصير مائتين ،

When they are 186 (up to 195) the zakat is three ***hiqqahs*** plus one ***bint labun***. When they reach 196 up to 200, the zakat is four ***hiqqahs***.

ثم يفعل في كل خمسين كما فعل في الخمسين التي بعد المائة والخمسين.

Then, for every 50 after 200, one is to enact the same process he did in the 50 after 150.

زكاة البقر

The Zakat On Livestock

Note: The owner must have possession of animals for one lunar year before zakat is compulsory. And the nisab (minimum amount) is governed by the number of animals in one's ownership and not by the value of each animal.

ليس في أقل من ثلاثين من البقر السائمة زكاة

There is no zakat paid for less than thirty pasturing cattle.

فإذا بلغت ثلاثين و حال عليه الحول ففيها تبيع من البقر، والتبيع هو الذي تمت له سنة وطعن في الثانية

When a person owns thirty cattle (up to 39) and one year has passed over them, the zakat due is a *tabi'* which is a one year old cow that has entered its second year.

إلى أن تبلغ أربعين ففيها مسن من البقر، والمسن هو الذي تمت له سنتان وطعن في الثالثة

Upon reaching forty head (up to 59) the zakat due is a '*mu-sin*' which is two years old and entered its third year.

إلى أن تبلغ سبعين ففيها تبيع ومسن ، إلى أن تبلغ ثمانين ففيها مسنان ، وهكذا ، كلما زادت عشرا ففي كل ثلاثين

تبيع ، وفي كل أربعين مسن.

When they reach seventy in number (up to 79) the zakat due is a *tabi'* and *mu-sin*. When they reach eighty head, the zakat due is two *musin's*. And this is the procedure in that for every thirty animals, a *tabi'* is due and for every forty animals, a *mu-sin* is due. For example, if one possesses 90, this comes to three *tabi's* since one is due for every thirty.

Number	*Zakat on Livestock*	
	1 Year Old	2 year Old
30-39	1 animal	
40-59		1 animal
60-69	2 animals	
70	1 animal	1 animal
80		2 animals
90	3 animals	
100	2 animals plus 1 animal	
110	1 animal plus 2 animals	
120	4 animals or 3 animals	

زكاة الغنم

Zakat On Sheep (And Goats)

ليس في أقل من أربعين من الغنم السائمة زكاة ،

There is no zakat for less than 40 grazing sheep. Note: The minimum on which zakat is payable is 40. Therefore, from 0-39, there is no zakat.

فإذا صارت أربعين وحال عليها الحول ففيها شاة من الغنم

When the number reaches 40 (up to 120) **and a year has passed, the zakat due is one sheep.**

إلى أن تصير مائة وإحدى وعشرين ففيها شاتان ،

When there are 121 (up to 200), **the zakat due is two sheep.**

إلى إن تصير مائتين وواحدة ففيها ثلاث شياه ،

Upon reaching 201 (up to 399) **the charge is three sheep.**

إلى أن تصير أربع مائة ففيها أربع شياة

Upon reaching 400 sheep, the zakat due is four sheep.

ثم في كل مائة تزيد على الأربعمائة شاة ، والضأن والمعز سواء ، ولا يجوز أن يخرج أقل من الثني وهو ما تمت له سنة.

Thereafter, for every hundred sheep after four-hundred, the zakat is one sheep, which must be a lamb or a goat (which is at least one year old). **And it is not permitted to pay as zakat an animal less than one year old.**

زكاة الخيل

Zakat On Horses

ذهب أبو حنيفة رضي الله عنه إلى وجوب الزكاة في الخيل بخمسة شروط :

Abu Hanifa held that zakat is wajib on horses when five conditions are satisfied.

الأول : أن يكون قيمتها نصابا من الذهب أو الفضة ،

1- The first condition is that the value of the horses must equal the nisab of gold or silver. This means it must equal the value of 87 grams of gold or 700 grams of silver.

والثاني : أن تكون سائمة

2- The horses are to be pasturing horses, grazing on open range pasturage for the whole year or the majority of it. This excludes pasturage growing on the land that a person owns.

والثالث : أن يحول عليها الحول

3- One year is to pass over the horses before zakat becomes obligatory.

والربع : أن تكون ذكورا وإناثا، فإن كانت ذكورا خلصا لم تجب فيها الزكاة ، وإن كانت إناثا خلصا فعنه روايتان

4- **The fourth requires that one have in his possession male and female horses, for if they are purely male, then zakat is not necessary to pay, whereas if they are purely females, Abu Hanifa held two narrations** on the matter (God have mercy upon him). One of these narrations held the requirement of paying zakat and the other did not.

والخامس :أن يكون المالك قد اتخذها للنسل ، فإن كان اتخذها للركوب أو للحمل عليها فلا زكاة فيها ، وذهب أبويوسف ومحمد إلى أنه لا زكاة في الخيل مطلقا

5- **It is conditional that the owner have acquired the horses for the purpose of producing offspring, for if they are acquired to ride on or to carry about** (people or items), **then *no* zakat is due upon them.**[1] **Imam Abu Yusuf and Muhammad held that there is no zakat paid on horses at all.** They relied on the words of the Prophet ((God bless him and give him peace)) [There is no sadaqah on the Muslim for his slave or horse].[2] This is recorded in all the six sound compilations. Abu Hanifa relies upon the words of the Prophet ((God bless him and give him peace)) [On each pasturing horse is a dinar or ten dirhams].[3]

وعلى مذهب أبي حنيفة يترك الخيار لمالك الخيل : فإن شاء أعطى ربع العشر من قيمتها ، وإن شاء أعطى عن كل فرس دينارا.

According to the Madhhab of Abu Hanifa, the method of paying zakat upon the horses is to be left to the owner; if he wishes, he may subject them to evaluation and pay 2.5% on this or if he wishes he may pay one dinar upon every horse. This option of paying a dinar upon each horse is available provided all the horses are of equal value. If on the other hand, they differ in value, then it is wajib to subject them to evaluation and pay the 2.5% required.

[1] If however they are taken for the purposes of trade, then one is required to pay zakat upon them as he would for the merchandise of trade.

[2] An-Nasai 2469.

[3] Darqutani and al-Baihaqi. Al-Zayla'i, vol, 2, 357-58.

زكاة عروض التجار

Zakat On Merchandise Of Trade

المراد بعروض التجارة : كل ما يتجر فيه ، ولو كان من السوائم أو من الزروع والثمار.

The meaning of the merchandise of trade is all things that a person uses for trade, even if they are grazing animals, crops, or fruits.

وتقوم عروض التجار في آخر كل حول ، فإن بلغت قيمتها نصابا من الذهب أو الفضة أخرج ربع العشر من قيمتها.

The merchandise (or goods) used for trade is to be evaluated at the end of every lunar year. If its value reaches the nisab (the minimum amount) of gold or silver, then one is required to pay 2.5% of its worth.

و ينبغي أن تلاحظ مصلحة الفقراء في التقويم ، على معنى أن العروض لو كانت بحيث لو قومت بالفضة بلغت نصابا ولو قومت بالذهب لم تبلغ النصاب تقوم بالفضة ،

During this evaluation, it is necessary to keep in mind the benefit (and future) of the poor and unfortunate persons, meaning that if the merchandise of trade amounts to the nisab of silver if it is evaluated against it, though would not amount to the nisab of gold if it is evaluated against it, then the goods are to be evaluated against the silver and this is what is meant by the benefit of the poor.

و لو كانت بحيث تبلغ النصاب بكل حال، ولكن التقويم بأحدهما أكثر نفعا للفقير تقوم به.

However, if the merchandise of trade reaches the nisab (the minimum amount) of both gold and silver, though the evaluation against one of these would be more beneficial for the people, then one is to evaluate the goods to what is more beneficial.

زكاة الزروع والثمار

The Zakat On Crops And Fruit

ذهب أبو حنيفة – رضي الله عنه – إلى إن في كل شيء تنبته الأرض زكاة ، قليلا كان أو كثيرا ، صالحا للبقاء كالحبوب والقطن والزعفران أو غير صالح كالخضراوات والفاكهة ،

Abu Hanifa held that anything that grows from the earth (i.e. crops / produce / harvest) requires zakat, whether it is a small or large amount, or whether it can keep good in storage such as seeds, cotton or saffron or whether it is unable to keep good in storage such as vegetables or fruit.

وذهب أبو يوسف ومحمد إلى أنه لا تجب الزكاة فيما تنبته الأرض إلا بشرطين : الأول : أن يكون مما يبقى سنة ، والثاني : أن يبلغ الخارج نصابا ، والنصاب خمسة أوسق إن كان الخارج مما يكال ، أو أن تبلغ قيمته قيمة خمسة أوسق إن كان الخارج مما لا يكال،

Abu Yusuf and Imam Muhammad held that there is *no* zakat on that which grows from the earth except when two conditions are satisfied; a) that the nature of the produce is such that it can remain stored for a year (i.e. non perishable), **and: b) that the harvest reach the level of nisab (minimum amount). The nisab for harvest that can be weighed is five *awsuq*** (which is approximately 960 kg). **Whereas if the harvest cannot be weighed, then the nisab is the value of five *awsuq*.** Note: one *wasq* is equal to sixty *sa's* by the standard of the Prophet ((God bless him and grant him peace)).

Imam Muhammad (the student of Abu Hanifa) held that there is no zakat on soft tender greens (i.e. every plant which man nourishes himself) which include annual herbs, vegetables and juicy fruits [*rutab*][1] which have no enduring fruit,[2] (i.e. it cannot last a year without a great deal of treatment) such as water melon and cucumbers. On whatever there is of wheat, barley, dried dates, raisins and their like, there is no zakat until they amount to five *wasaqs* and a *wasaq* is sixty *sa'* (which is approximately 960kg).[3]

ولا يشترط حولان الحول اتفاقا.

And it is not a stipulation for a lunar year to pass before paying the zakat upon one's harvest as is agreed upon, for the reason that Allah stated [...eat of their fruit in their season, but render the dues that are proper on the day when the harvest is gathered].[4] Hence, it is not conditional for a complete year to pass before paying the zakat on one's harvest.

واتفقوا على أن الزروع والثمار إن كان تسقى أكثر العام بماء السماء أو بالسيح ففيها العشر ، وإن كانت تسقى أكثر العام بدولاب أو سانية أو غرب ففيها نصف العشر من جميع الخارج.

Scholars agreed that if the crops and fruits are grown from rain water for the majority of the year, the rate of zakat is one tenth (or 10%) **and if, for the majority of the year, they are grown from irrigated water, then the zakat is half a tenth** (or 5%) **on the total harvest.**

[1] Rutab refers to what cannot be stored and does not endure, such as a sweet fruit.

[2] The definition of enduring is that it should last for a year in the main without a great deal of treatment, such as wheat and barley.

[3] The Prophet ((God bless him and grant him peace)) said [There is no zakat on anything less than five *wasqs*], but according to Abu Hanifa because of the Prophet's saying [That which the earth produces has a due on it a tenth], without distinction. [Kitab al-Athar 174].

[4] Al-An'am 141.

الركاز

Treasure Troves

وإذا وجد مسلم أو ذمي في أرض الخارج أو العشر معدنا كالذهب والفضة والرصاص ، سواء أو جده على حالته الطبيعية أم كان مما دفنه أهل الجاهلية ، فهذا المعدان يسمى ركاز .

If a Muslim or Christian finds valuable minerals such as gold, silver or lead in the *kharaj* land or in *ushr* land, whether one finds them in their original form or they were buried there in the pre-Islamic times in the days of ignorance, it is called rikaz (treasure trove). Note: *ushr* land is a land on which zakat is obliged and *kharaj* land is that which land tax is levied. Al-Hidayah states that if minerals are found within a house, then there is no charge on it according to Abu-Hanifa. Imam Muhammad and Abu Yusuf held that zakat is due regardless.

ويجب في الركاز الخمس بمجرد العثور عليه .

An immediate zakat of 20% is necessary when one has discovered a treasure trove.

ويضم ما يحصل من الركاز إلى غنائم الحرب ، ويوزع في المصالح العامة للدولة ، ولا يختص به الفقراء والمساكين وبقية مصارف الزكاة.

The wealth (zakat) that results from treasure (and minerals) is to be added with the animals of the war (booty) and distributed for the general benefit of the country. This wealth is not to be specifically donated to the poor and unfortunate persons and neither to all the other types of recipients of zakat because this is for the general benefit of the nation. This is state capital.

مصارف الزكاة

Recipients Of Zakat

تدفع الزكاة إلى الأصناف الثمانية الذين ذكرهم الله تعالى في قوله : (إنما الصدقات للفقراء ، والمساكين ، والعاملين عليها ، والمؤلفة قلوبهم ، وفي الرقاب ، والغارمين ، وفي سبيل الله ، وابن السبيل) .

The recipients of zakat are eight as Allah mentioned in His saying [zakat is for the poor, destitute and helpless, those who are employed to administer the funds, those whose hearts have been recently reconciled to the truth, for the freeing of a slave, the one in debt, those fighting for Islam and the way farer].[1]

فهؤلاء الأصناف الثمانية الذين تدفع إليهم الزكاة بشرطين : أحدهما الإسلام ، والثاني إلا يكونوا من آباء المزكي أو أبنائه أو من أزواجه أو ممن تلزمه نفقتهم

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[1] Tawbah 60.

These are the eight types of recipients upon which zakat is forwarded to, provided two conditions are met; i) that one is Muslim and ii) that it not be the father, children or wife of the person paying the zakat, because he is required to fund them anyway through his general expenses (not zakat). If however, one is *not* obliged to fund one of his *relatives*, then zakat may be allocated to them. It is therefore not valid to pay zakat to; a) a disbeliever,[1] b) a rich wealthy man who possesses the minimum amount, c) to a wealthy infant, d) to a person of the family of Hashim,[2] and their freed slaves, e) to one's father, grandfather, his child, or the child of his child, f) to his wife or g) to purchase the shrouds for a deceased person.

وله الاقتصار على أحد هذه الأصناف.

One has the option of restricting the entire zakat to one of these categories or may distribute it among them equally.

Definition Of Each Of The Eight Types Of People

أما الفقير فهو : كل إنسان له مال لكنه لا يبلغ نصابا.

1- ***A needy person (faqir)* is one who possesses wealth, though it does not amount to a nisab** (minimum amount). In other words, a person who himself does not have enough to pay zakat is deemed a poor person.

وأما المساكين فهو: كل إنسان لا يملك شيئا ، فهو أسوأ حال من الفقير.

2- ***A destitute and helpless* person *(miskin)* is one who does not own anything** aside from a few basic necessities of his own. **The circumstances of the destitute are worse than that of a needy person.**

وأما العامل فهو : الذي يجمع الزكوات ممن تجب عليهم بأمر الإمام.

3- ***Those employed to collect* are persons who are appointed by the Islamic head of state or government to collect zakat.**

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[1] They can however be given other types of sadaqah although Imam Shafi'i disagrees and held that he is not to pay it to him and this too is a narration from Abu Yusuf. The Hanafi school relies on the words of the Prophet ((God bless him and give him peace)) [Give charity to the people of all religions]. Had it not been for a tradition narrated by Mu'adth, we would have upheld payment to them out of the zakat as well. (Ibn Abi Shaybah. Al-Zayla'i, vol. 2, 398). Al-Hidayah 291.

[2] The Prophet ((God bless him and grant him peace)) said [O Banu Hashim, God has prohibited for you the dirty wash water of the people and their impurity, and has compensated you with the fifth of the fifth]. (Al-Zayla'i. vol.2,403). Banu Hashim are the families of Ali, Abbas, Ja'far and al-Harith ibn 'Abd al-Muttalib ((God be pleased with them) as well as their clients. All these persons transcend from Hashim ibn Abd Munaf, and the tribe takes its name from him.

وأما المؤلفة قلوبهم فهم : قوم كان النبي صلى الله عليه وسلم يعطيهم من الزكاة ليدخلوا في الإسلام ، أو ليثبتوا عليه أو ليدعوا قومهم إليه.

4- *Those whose hearts have recently been reconciled (new Muslims)* are people who the Prophet ((God bless him and grant him peace)) would give zakat so that they would accept Islam or new converts were given zakat to strengthen their faith or zakat was given to people so that when they returned to their (non-believing) people, they would preach about Allah and His Messenger ((God bless him and grant him peace)). It should be noted that Umar ((God be pleased with him)) discontinued the giving of zakat to new converts due to Islam's increasing number.

و(في الرقاب) هم : العبيد الذين كانوا يتفقون مع سادتهم على أنهم إن أدوا إليهم قدرا من المال أعتقوهم ، فجعل لهم الإسلام نصابا في مال الزكاة ، حرصا على تنفيذ عتقهم.

5- *Slaves purchasing their freedom* are slaves who make an agreement with their masters, in that if they pay a fixed amount of wealth to their master, they will be freed. Islam therefore established a portion of the zakat for them as it is concerned with their freedom.

والغارم هو : المدين الذي عجز عن سداد دينه

6- *Those in debt* are persons who are in debt and unable to settle it. Note: one may be in possession of a nisab, though one's debt is in excess of this amount.

و(في سبيل الله) هو : المراد به الجنود الذين يعدهم الإمام للحرب بقصد إعلاء كلمة الله.

7- *Striving in the path of Allah* – refers to the soldiers whom the imam prepares for war with the intention of making high the Word of Allah. They are therefore given enough to suffice them for the operation.

و(ابن السبيل) هو : المسافر يفرغ ما في يديه من النفقة فينقطع به السبيل ويعجز عن الوصول إلى أهله وماله فيعطى من مال الزكاة ولو كان له مال كثير في بلده.

8- *The Traveller (way-farer)* is a traveller who has no spending money at hand therefore bringing his journey to a stand-still and rendering him unable to reach his destination where he does have wealth. He is therefore given from the wealth of zakat even if he possesses a great amount of wealth in his homeland.

مالا يجوز صرف الزكاة فيه

That Which Zakat Is Not Permitted For

ولا يجوز صرف ما جمع من الزكاة في بناء مسجد ، أو في تكفين ميت ، أو قضاء دينه ،

It is not permitted to allocate (or forward) zakat for the construction of a mosque, for the burial of a deceased, nor for the debt of the deceased.

ولا أن يشتر بها رقيقا ليعتقه ، وذلك لأن أموال الزكاة غير أموال المصالح العامة ، وللزكاة مصارف حددها الشارع.

It is not permitted to allocate zakat to buy a slave in order to free him/her because the wealth of zakat is different to the wealth that is for the general benefit of the people and also because zakat has been outlined and specified by the Law Giver Allah. Note; this applies when there is no agreement between the slave and his master as discussed earlier. Though, if there is an arrangement between the slave and master, then zakat is permitted for that cause.

صدقة الفطر

Sadaqah Al-Fitr (Charity Of Breaking Fast)

The obligation is based upon the words of the Prophet ((God bless him and grant him peace)) in his sermon [Pay for each free person and slave, for the mature person and the juvenile, one-half measure [*sa*‘] of wheat or one measure [*sa*‘] of dates or one measure [*sa*‘] of barley].[1]

شروط وجوب صدقة الفطر

Conditions That Render Sadaqah Al-Fitr Wajib

تجب صدقة الفطر على كل من اجتمعت فيه ثلاثة شروط :

Sadaqah al-Fitr is wajib upon one who meets three conditions;

الأول أن يكون مسلما ، والثاني : أن يكون حرا ، والثالث : أن يكون مالكا لنصاب فاضل عن حوائجه الأصلية ، سواء أمضى على ملكه النصاب حولٌ أم لم يمض، وسواء أكان النصاب ناميا أم لم يكن . ولا يشترط أن يكون عاقلا ولا أن يكون بالغا.

I) that one be Muslim, ii) free and iii) that one possess the nisab (the minimum amount) **on top of the amount needed to cover his housing necessities and debts. It does not matter whether a person owns this minimum amount for a year or not or whether it is growing or not** (such as being invested to produce more money,

[1] This is related from al-Zuhri through different chains of transmission. One of these is recorded by Abu Dawud. (Al-Hidaya 297).

the sadaqah must still be paid). In addition, it is *not* a condition for one to be sane or mature. This indicates that if one suffers from insanity or is a child, then the sadaqah is paid on their behalf. The basis is that the cause is "*the head person*" whose financial burden he bears and over whom he exercises legal authority as such a person (i.e. the head) is associated with the obligation (*of fitr*).

من يجب على المكلف إخراجها عنه ، ومن لا يجب

The Guardian Is Required To Pay The Sadaqah On Behalf Of Whom

و يخرجها الرجل من مال نفسه عن نفسه ، و عن ولده الصغير الفقير ، وعن عبده للخدمة. ولا يجب عليه أن يخرجها من مال نفسه عن زوجته ، ولا عن ولده الكبير، ولا عن طفله الغني ، ولا عن عبده للتجارة ، ولا عن عبده الآبق إلا إن يعود.

The man is required to pay the (sadaqah of *fitr)* from his own money for himself, his young children *(who do not have wealth)* and for his slave who works in the home. Though it is not necessary for him to pay the *fitr* from his money for his wife, his mature children and neither his slave used for trade or his disobedient slave until he becomes obedient.

ويخرجها من مال طفله الغني ، والمجنون كالطفل : فإن لم يكن له مال أخرجها وليه من مال نفسه ، وإن كان له مال أخرجها وليه من ذلك المال.

The rich child who has money is to have it paid for from that money. And the insane person takes the ruling of a child, in that if the insane does not possess wealth, then it is to be paid for from the money of his guardian; though, if the insane person possesses wealth, then the guardian pays it from that.

وقت الوجوب

When It Is Necessary To Pay

تجب صدقة الفطر بطلوع الفجر من يوم عيد الفطر ، فلا تجب على من مات قبله ، ولا تجب على من ولد أو أسلم بعده . ويندب إخراجها قبل صلاة العيد بعد طلوع الفجر.

Sadaqah al-Fitr becomes obligatory from the dawn of *Eid al Fitr*. It is therefore not obligatory on those who die prior to dawn. Also, the sadaqah is not required of those who are born or become Muslim after the dawn of Eid. Additionally, it is recommended to pay the *sadaqah of fitr* after dawn arrives, but before the performance of the Eid prayer.

ويصح تقديمها على يوم الفطر بيوم أو يومين ، وقيل : ولو بعشرة أيام وقيل : ولو إلى نصف رمضان ، وقيل : ولو إلى أول رمضان ،

If a person pays the sadaqah al-Fitr a day or two in advance, it is valid. Some scholars maintain that it may be paid in advance by ten days and even halfway through Ramadan, while others held that it is valid to pay one month in advance, which is at the beginning of Ramadan.

وقيل : لو عجلها سنة أو سنتين صح ، وقيل : لو عجلها إلى عشر سنين أو أكثر صح .

It has also been stated by some scholars that if it is advanced a year or two, it is valid, while others held, that if it is paid ten years or more in advance, it is valid.

ولا تسقط بالتأخير وإن طال ، ولكنه مسيء بالتأخير .

The sadaqah of *fitra* is *not* excused if it is delayed, even if one extended the delay. However, one has committed an offence due to the delay.

الأصناف التي تخرج منها صدقة الفطر

The Types Of Things That May Be Used To Pay Sadaqah Al-Fitr

و تخرج صدقة الفطر من أحد أربعة أصناف : البر والتمر ، والشعير ، والزبيب .

Sadaqah al-Fitr can be paid with one of the four following types of food; i) wheat, ii) dates, iii) barely, iv) raisins (sultanas).

مقدار الواجب

The Required Amount

ويخرج عن كل رأس نصف صاع من البر أو دقيقه أو سويقه ، أو صاع من التمر أو الشعير ،

The amount due per person is half a measure [*sa*'] of wheat, flour or *sawik* (which is a mix of wheat and barley) or one may give one full measure of dates and barley.

والزبيب بمنزلة البر عند أبي حنيفة ، وبمنزلة الشعير عند أبي يوسف و محمد.

والصاع بالكيل المصري قدحان وثلث قدح.

According to Abu Hanifa, raisins are in the same grade as wheat. Whereas Abu Yusuf and Imam Muhammad held that raisins are in the same grade as barley. Al-Shafi'i said that for all these things there is one *sa'* due to the tradition of Abu Sa'id al-Khudri (God be pleased with him) who said, "This is what we used to pay during the period of the Messenger of God."[1] The Hanafis adopt the hadith previously mentioned; where the Prophet said in his sermon [Pay for each free person and slave, the young and old, one half *sa'* of wheat or one *sa'* dates or one *sa'* of barley]. What al-Shafi'i related is interpreted to mean what is paid in excess

[1] An-Nasai 2503. This hadith is recorded by the six sound compilations in long and short versions.

voluntarily.[1] **The [*sa*]measure according to the Egyptian scale is two and a third scoops with a ladle.** The ladle is the instrument with a long handle used to scoop foodstuff.

ويجوز إخراج القيمة

It is permitted to give sadaqah al-Fitr in cash that is equivalent of either one of the above.

وفي الظهيرية أن الفتوى على أن إخراج القيمة أفضل . والعبرة بما هو أكثر نفعا للفقير.

The most evident opinion upon which the fatwa is given, is that paying the equivalent in cash is best. For what is essential, is that which is most beneficial for the poor and needy.

من تدفعه إليه صدقة الفطر

The Recipients Of Sadaqah Al-Fitr

وتدفع صدقة الفطر إلى الأصناف الذين تدفع إليهم زكاة الأموال . وهم :

The recipients of sadaqah al-Fitr are the same recipients as that of zakat. They are:

الفقراء ، والمساكين والجباة والأرقاء المكاتبون ، والمنقطعون عن بلادهم ، والمجاهدون ، والمدينون

1- The Poor

2- Destitute and helpless

3- Those employed by the imam to collect zakat

4- Those whose hearts have been recently reconciled to the truth (new Muslims).

5- For the freeing of a slave (who have made an agreement with their master).

6- Those in debt

7- Those fighting for Islam

8- The wayfarer (i.e. the traveller stranded from his hometown).

وله الاقتصار على صنف واحد ولو مع وجود باقي الأصناف .

A person may restrict the total sadaqah to one of these categories, even if all the other types of recipients are present.

[1] Al-Hidaya 300.

نقل الصدقة والزكاة إلى غير بلد المزكي

Transferring The Sadaqah And Zakat To Another City

يكره نقل الزكاة بعد تمام الحول ونقل صدقة الفطر بعد تقرر الوجوب إلى بلد غير بلده ، ولو كانت المسافة أقل من المسافة القصر ، إلا أن يكون المنقول إليه قريبا للمزكي أو المتصدق ، أو يكون أحوج ممن في بلده ، أو أورع ، أو أنفع لعامة المسلمين بسبب قيامه بنحو تعليم .

When the zakat has been gathered after the completion of a year and when the sadaqah al-Fitr which is necessary to pay has been settled, it is disliked to transfer the wealth (which has been collected) **to another city,** even if the two cities are not far apart in that **the distance between the two is less than which one needs to become a traveller, unless in the other city, there is a relative of the one who paid zakat or sadaqah, or unless in the other city, there are people who are in greater need, or there are people who are more righteous** (in which case it is not disliked to transfer zakat or sadaqah to them provided they are eligible), **or in the other city there are people who would be more beneficial for the Muslim nation in that they would be a cause for teaching others knowledge. In these cases, it is not disliked to transfer the wealth to them from the zakat or sadaqah.**

والأفضل صرفها للأقرب فالأقارب ، ثم لجيرانه ، ثم لأهل محلته ، ثم لأهل حرفته ، ثم لأهل بلده .

However, the best act is to distribute the zakat and sadaqah to the closest relatives, followed by the next closest relatives and so on. Thereafter it is distributed to one's neighbours, then the people of one's area, then to those in the same profession as he (provided they are poor) **and then to the people of that state.**

The Chapter of Hajj & Umrah

Book VI: Hajj and Umrah

CONTENTS:

The Book Of Hajj And Umrah

*God the Exalted said ((**People owe Allah to make Pilgrimage to the House, whoever is able to find the way**)). Quran 3:97.*

*The Prophet ((God bless him and grant him peace)) said [**A Umrah is an expiation for sins committed between it and the next, but an accepted hajj will receive no less a reward than Paradise**].*

This chapter uses a number of particular words that are as follow:

***'Arafah** - is the name of a plane about three miles to the east-southeast of Mecca.*

***Hajj** - is the pilgrimage to Mecca.*

***Ihram** - is the state of consecration that pilgrims enter for hajj and umrah.*

***Masjid al-Haram** - is the holy mosque in Mecca that encompasses the ka'bah.*

***Safa and Marwah** - are the two hills connected by a course adjacent to Masjid al-Haram.*

***Umrah** - is the lesser Pilgrimage (or to go to Mecca where one is permitted to visit any time of the year).*

***Talbiyah** - is the saying "Ever at your service, O Allah, ever at your service."*

كتاب الحج والعمرة

The Chapter Of Hajj And Umrah

معنى الحج

The Meaning Of Hajj

يطلق (الحج) لغة على القصد إلى معظم، تقول : حججت فلانا أإذا كنت قصدته معظما له .

ويطلق شرعا على ((زيارة مكان مخصوص لأداء أعمال مخصوصة في زمن مخصوص)).

Linguistically hajj means to aim for something great. *For example; one may say "hajjajtu such and such," if it was one's intention to honour him.* **According to its legal meaning; hajj is to visit a specified place, to perform specific actions in specific times.**

أما المكان المخصوص فهو بيت الله الحرام الذي بمكة وجبل عرفات .

As for the specified place, it is the sacred House of Allah in Makkah and the mountain of Arafah.

وأما الأعمال المخصوصة فهي : الطواف بالبيت ، والسعي بين الصفا والمروة، والوقوف بعرفات

As for the specific actions, it is the tawaf of the *House* of Allah, the moving between the Safa and Marwah (*sa'iy*) and the standing at Arafah.

وأما الزمن المخصوص فهو أشهر الحج التي سنذكرها.

As for the specific times, it is the months of hajj that are mentioned in the coming paragraphs.

حكم الحج وشروط افتراضه

The Ruling Of Hajj And The Conditions That Render It Obligatory

والحج فرض في العمر مرة واحدة ، على من اجتمعت فيه ستة شروط ، و هي : الإسلام ، والعقل والحرية

Hajj is obligatory once in a lifetime upon one who satisfies six conditions, they are:

1- **Islam**. One must be a Muslim as hajj is an act of worship. The Prophet ((God bless him and grant him peace)) sent a Messenger to Yemen, and said [Invite them to testify that there is no god but Allah. If they obey you, then inform them that they must do such and such] and he mentioned hajj.

2- **Maturity**. The child is not obliged to perform hajj due to the words of the Prophet ((God bless him and grant him peace)) who said [The pen has been lifted from three] and he mentioned the child and insane among them.

3- **Sanity**. A person who is not of sound mind is not required to observe hajj in accordance with the above hadith.

4- **Freedom**, i.e. one must not be a slave. The Prophet ((God bless him and give peace)) said [A slave who has performed hajj ten times and is then set free is under an obligation to perform the hajj of Islam; a juvenile who performs the hajj ten times and then attains maturity is under an obligation to perform the hajj of Islam].[1]

والقدرة على نفقاته ، وذلك بأن يجد ما ينفقه على نفسه ذهابا وإيابا وما يشتري أو يكتري به راحلة تحمله ، زيادة

على نفقة عياله من زوجة وأولاد صغار وخدم إلى حين عودته،

5- **One must possess the financial means - which is to have sufficient funds to spend upon oneself to travel to and from the journey and also to buy or rent either for accommodation or transport. These funds must be extra to the funds one has left for his family members (during his absence) from his wife, young children and servant until he returns.** This means that one must possess the ability to maintain himself and family until his return.

والعلم بافتراضه ، وهذا الشرط خاص بمن أسلم في دار الحرب .

6- **One must have knowledge that hajj is obligatory. This condition is exclusively for those who become Muslim in the land of the enemy (dar al-harb).** This means that if one embraces Islam on enemy land, he must have knowledge that hajj is obligatory before it is imposed on him.

دليل افتراض الحج

The Proof Of Hajj Being Obligatory

والدليل على افتراض الحج : الكتاب ، والسنة ، والإجماع .

The evidence that hajj is obligatory is based on the verses of Quran, the sunna of the Prophet (God bless him and give him peace) and the consensus of the scholar's (*Ijma*).

أما الكتاب فقوله تعالى :((ولله على الناس حج البيت من استطاع إليه سبيلا)).

As for the Quran, Allah says [Pilgrimage to the house is a duty men owe to Allah those who can afford the journey].[2]

وأما السنة فأحاديث : منها قوله عليه الصلاة والسلام : ((يا أيها الناس كتب عليكم الحج فحجوا)) ومنها قوله

عليه الصلاة والسلام : ((من مات ولم يحج فليمت إن شاء يهوديا أو نصرانيا))

As for the sunna, there are many narrations, such as the saying of the Prophet (God bless him and grant him peace), **"Verily, Allah has declared hajj obligatory upon you, therefore perform hajj."** The Prophet (God bless him and grant him

[1] Al-Baihaqi . Al-Hakim al-Mustadrak. This has been graded as sound by the two shaykhs.

[2] Quran 3:97.

peace) also said, "One who possesses wealth and has all the means by which he could reach the sacred House of Allah and yet does not perform hajj, he may either die as a Christian or Jew."

وقد أجمع أئمة المسلمين على أن الحج فرض على القادرين عليه .

And verily, all the scholars of *Ahl as-Sunna* have stated that hajj is obligatory upon those who are able.

شروط أداء الحج

The Conditions (Required) For Performing Hajj

ويشترط لأداء الحج ثلاثة شروط :

There are three conditions a person must meet in order to perform hajj;

الأول : الصحة ، والمراد بها سلامة البدن عن الآفات المانعة من القيام بما لا بد منه في سفر الحج .

1- Sound health; this means that one's body must be free from illnesses that would prevent him from performing the actions required in the journey of hajj. If one's body or ailment prevents him in undertaking the required actions in hajj, then he is not obligated to perform it.

فلا يفترض أداؤه على مقعد وزمن ومفلوج ومقطوع الرجلين ، ولا على المريض والشيخ الفاني ، لكن عليهم أن يوصوا بالإحجاج عنهم.

Hajj is *not* obligatory on the crippled, chronically ill or those who have disabilities. Likewise, it is not obligatory on one who has lost his legs or is ill and neither upon an old enfeebled person. However, they are required to instruct others to perform hajj on their behalf.

والثاني : أمن الطريق ، والمعتبر في ذلك غلبة السلامة في الطريق على المفتى به .

2- It is conditional that the route to Makkah be safe; and the factor considered here is that one has a predominant belief that it is safe. The fatwa issued on this matter is in accordance with this view.

والثالث : أن يكون مع المرأة زوجها أو ذو رحم منها كابنها ، شابة كانت المرأة أو عجوزا ، ونفقة المحرم على المرأة إذا لم يرض بمرافقتها إلا بالإنفاق .

3- The female must be accompanied by her husband or a relative of the prohibited category (mahram), such as her son whether she is young or old. If the mahram (unmarriageable person) will not accompany her unless she covers his expenses, then she must fund his expenses. The rule of mahram is someone whom she is forever forbidden to marry because of lineage or affinity that is the relation by marriage or suckling. Ibn Abbas said; I heard the Messenger of Allah ((God bless him and give him peace)) saying [A man should not be alone with a

woman unless she has a mahram with her and a woman should travel with a mahram]. A man said, 'Messenger of Allah, my wife has set out for hajj and I have been selected to go on a certain expedition (jihad).' The Prophet ((God bless him and give him peace)) said [Go and make hajj with your wife].[1] Additionally, the minor and the insane person are not considered in the category of mahram as protection is not attained through them.

شروط صحة الحج

Conditions That Validate Hajj

ويشترط لصحة الحج ثلاثة شروط ، وهي :

Hajj is considered valid when three conditions are fulfilled;

الإحرام ، وهو عبارة عن مجموع النية في القلب والتلبية باللسان .

1. That one acquire the state of *Ihram*, which is a combination between the intention in the heart (to perform the rites of hajj or umrah) with the uttering of the ***talbiyah*** upon the tongue. This intention and recitation is made when one wears the ihram clothes. It is called *Ihram* because the one in this state is forbidden certain things as shall be covered further on.

وأن يقع في الوقت المحدود شرعا للحج .

2. That the hajj take place in the specified time for hajj. This time is prescribed by the Sacred law.

وعدم الجماع قبل الوقوف بعرفة

3. And not to indulge in sexual intercourse prior to the standing at Arafah.

وقت الحج

The Time Of Hajj

وللحج وقت حدده الشرع ، وهو شهر شوال وشهر ذي القعدة وعشرة الأيام الأولى من شهر ذي الحجّة .

The time of hajj is specified by the Sacred Law. It is the month of Shawwal, the month of Dhul Qa'dah and the first ten days of Dhul Hijjah.

قال الله تعالى : ((الحج أشهر معلومات)) وقد بينها النبي عليه الصلاة والسلام بما ذكرناه ، ونقله عنه الصحابة رضوان الله عنهم أجمعين.

Allah said [For hajj the months are well known].[2] Allah has also said [They ask you concerning the new moons. Say: They are but signs to mark fixed periods of time in the affairs of men for pilgrimage].[3] And indeed the Prophet ((God bless

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[1] Bukhari and Muslim.
[2] Al Baqarah 2:197.
[3] Al-Baqarah 189.

him and grant him peace)) clarified this in what has been mentioned earlier and in what the Companions narrated from him ((God bless him and grant him peace)).

ويكره كراهة تحريم إيقاع الإحرام بالحج قبل هذا الوقت ، سواء أمن المحرم على نفسه الوقوع محظورات الإحرام أم لم يأمن .

It is prohibitively disliked for a person to adopt ihram for hajj before this time; and it makes no difference whether a person is sure of himself in abstaining from the forbidden acts of ihram or whether he is unsure of himself, it is disliked before the specified period. Note: even if one enters the state of ihram, he cannot perform any actions of hajj until the period of hajj arrives. In relation to umrah, it is permitted during the entire year by agreement of the scholars with no dislike, whether in the months of hajj or other months, except for five days that are disliked: the day of Arafah, the day of Sacrifice, and the days of Tashriq because during these times the pilgrims are busy performing hajj.

أركان الحج

The Pillars Of Hajj

وللحج ركنان

There are two pillars of hajj

أولهما : الوقوف بعرفة ولو لحظة ، ووقت الوقوف بعرفة من زوال يوم التاسع من ذي الحجة إلى طلوع فجر يوم العاشر منه ، والأفضل أن يقف قبل غروب الشمس ، وأن يستمر واقفا إلى أن تغرب

1- The first pillar of hajj is the standing at Arafah, even for a moment. The time of standing at Arafah begins when the sun declines from the meridian on the 9th of Dhul Hijjah until the next dawn, which is the 10th of Dhul Hijjah. The Prophet (God bless him and grant him peace) commanded the caller to call "Hajj is 'Arafah," (that is, the chief of all the pillars of hajj). The greatest act in this case, is for one to stand at Arafah before the sun has set and remain standing there until it sets. As for the one who reaches Arafah after sunset, he may leave for Muzdalifah even after a moment of stay.

وثانيهما : طواف الزيارة حول الكعبة سبع مرات ، ويقوم أكثر هذه الأشواط السبعة مقام الكل في حق الركن .

2- The second is to perform *Tawaf al-Ziyarah* (also known as *Tawaf al- Ifadah*) around the ka'bah seven times. And performing the majority of these seven circuits satisfies the completion of the pillar. For example, if a person performs four circuits, then he is regarded as having completed the pillar in a technical sense, because indeed the law has set that having completed the majority satisfies the whole. This tawaf is performed after the standing at Arafah. If this action is missed on the 10th of Dhul Hijjah, it must be performed by the 12th of Dhul Hijjah.

واجبات الحج

The Wajib Requirements Of Hajj

وللحج واجبات أشهرها ثمانية

There are eight necessities of hajj;

الأول : الوقوف بمزدلفة ولو لحظة ، ووقته من بعد صلاة الفجر يوم النحر إلى أن يسفر جدا

1- **The first necessary element is the standing at Muzdalifah even if it is only for a moment. Its time is after the true dawn on the 10th of Dhul Hijjah until the sky is very bright.** Note: at Muzdalifah, a person is to unite the sunset prayer and the nightfall prayer at the time of the nightfall prayer ('isha).

والثاني : السعي بين الصفا والمروة سبع مرات ، ويبتديء السعي بالصفا ويختمه بالمروة في كل شوط .

2- **The second is to go between the *Safa* and *Marwah* seven times (known as *sa'iy*). One is to begin at Safa and end with the Marwah.** This means that one is to perform seven circuits beginning the first at Safa and conclude the last circuit at Marwah.

والثالث : رمي الجمار في أيام النحر والتشريق .

3- **The stoning of the sites (Jamrahs) during the days of Nahr and Tashriq.** The first site is known as Jamrah al-Kubrah, which is closest to al-Khayf mosque. The second site is known as Jamrah al-Wusta. The third site is known as Jamrah al-Aqabah.

والرابع : طواف الصدر لغير أهل مكة ، وقيل : إن هذا الطواف سنة .

4- **The fourth is *Tawaf as-Sadr*** (also known as Tawaf al-Wada' or farewell) **which is wajib upon other than those who reside in Makkah.** This is observed when one intends to return to his family. **Some scholars held that it is sunna, not wajib.**

والخامس : الحلق أو التقصير ، وقيل : إنه سنة .

5- **It is wajib to shave or cut the hair** after concluding the stoning of Jamrah al-Aqabah on the 10th of Dhul Hijjah, and it should take place within the boundaries of the Haram of Makkah. The Prophet (God bless him and grant him peace) said "May Allah have mercy on those who shave their heads," and he repeated this another two times, after which the people said: "And (what about) those who cut their hair short, Messenger of Allah?" The Prophet (God bless him and give him peace) replied, "And those who cut their hair short." **In addition, some scholars have deemed this act as sunna.**

السادس : إيقاع الإحرام من ميقاته المكاني .

6- **It is wajib to adopt the ihram from one of the miqat sites.** The miqat are designated sites where one must wear the ihram from as mentioned earlier, and these areas are discussed further on.

السابع : كشف الرأس والوجه .

7- **It is wajib to uncover the head and face for a male,** while the female covers her head but uncovers the face. It is reported in the Muwatta' that Yahya related to me from Malik from Nafi' that Abdullah Ibn Umar used to say that women in ihram should neither wear a (face) veil nor gloves.[1]

الثامن : ألا يلبس مخيطا .

8- The eighth necessity is not to wear stitched clothes, for the garments of hajj must be seamless containing no sewing in them.

سنن الحج

The Sunan Of Hajj

وللحج سنن كثيرة :

There are many sunan during hajj time,

منها الاغتسال عند الإحرام ،

The major bath *(ghusl)* is sunna when the pilgrim intends to enter ihram even if it is a menstruating woman or a woman in a state of postnatal bleeding.

ومنها أن يلبس إزارا ورداء جديدين ،

To wear two new cloths known as izar (waist wrapper) **and ridah** (cloak), is sunna and thereafter to perform two rak'ahs of supererogatory prayer.

وأن يكثر من التلبية ،

To pronounce the talbiyah many times with an audible voice. It is recommended while standing, sitting, riding, walking and even in the state of major impurity. The talbiyah is: [At Your service, O Allah, at Your service. At Your service, none can be associated with You, at Your service. All Praise and blessing belongs to You as does the kingdom. None can be associated with You].

ومنها طواف القدوم .

The *Tawaf al-Qudum* (arrival) is from the sunan.[2] Hence, from what we have learnt; there are three types of tawaf. The first is obligatory and this is *Tawaf al-Ifadah* (or az-Ziyarah). The second is wajib and is the *Tawaf as-Sadr* (or al-Wada') which is the farewell tawaf. The third is sunna, which is the *Tawaf al-Qudum* (arrival).

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[1] Muwattah, In The Chapter Of Hajj, 15.

[2] This tawaf is also called tawaf at-Tahiyah (greeting).

The following are also deemed sunna;

a) after adopting ihram, it is sunna to send blessings upon the Prophet ((God bless him and grant him peace)), to make supplications for Paradise and protection from the Hellfire.

b) to say '*Allahu akbar*' and '*There is no deity but Allah*' when the pilgrim arrives at the place opposite to the ka'bah.

c) to perform voluntary tawaf as often as possible.

d) to leave Makkah for Mina after sunrise on the 8^{th} of Dhul-Hijjah and to spend the night there.

e) to spend the nights in Mina in the days of Mina.

f) to offer sacrifice by the pilgrim who observes the Ifrad form of hajj.

h) to drink the water of Zamzam and to pour it over one's head and body.

i) taking hold of the Multazam, the wall of the ka'bah that stands between the door and the black stone by placing one's chest and face on it. And taking hold of the drapes of the ka'bah and supplicating to God.

مواقت الحج المكانية

<u>*The Sites Of Ihram For Hajj (Mawaqit)*</u>

وقد حدد الشارع أماكن يجب على كل من قصد دخول مكة ألا يجاوزها إلا محرما بحج أو عمرة

Allah specified the sites that a person is required to adopt ihram from. One is not to pass through these sites except in a state of ihram for hajj or Umrah. The sites are as follows;

وهي : الجحفة لأهل الشام ومصر ومن يمر بأحدهما ،

i) ***Al-Juhfah near Rabiqh* - This is the site for the residents of Syria and Egypt** (and the Maghrib e.g. North-West Africa) **and the people passing through those countries.** ***This site is approximately 204km away from Makkah.***

وذو الحليفة لأهل المدينة ومن يمر بها ،

ii) ***Dhul Hulayfa* - This is the site for the residents of Madina and the people passing through Madina.** ***This site is approximately 450km away from Makkah.***

وذات عرق لأهل العراق ومن يمر به ،

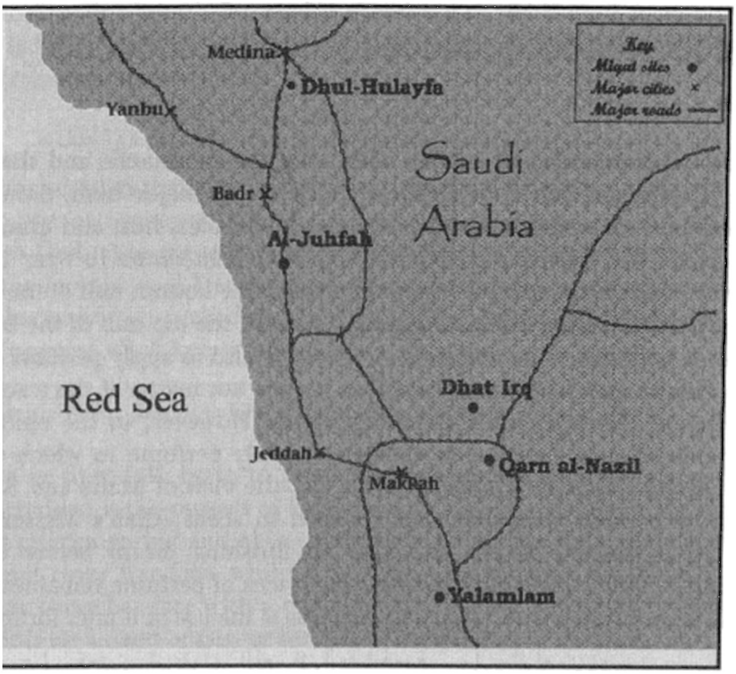
iii) ***Dhat Irq* - This is the miqat (site) for the residents of Iraq, Iran, Khurasan etc... And those passing through these places.** ***This site is approximately 94km away from Makkah.***

وقرن النازل لأهل نجد ولمن يمر ببلادهم ،

Qarn al-Nazil - This is the site for the residents of Najd and an
passing through the country. *This site is approximately 94km away
Makkah.*

ويلملم لأهل اليمن ومن يمر به .

Yalamlam - is the site for the residents of Yemen (and countries
ndia, Pakistan, and Malaysia etc...) and anyone passing thro
hese countries. *This site is approximately 54km away from Makkah.*



يجوز للحج أن يحرم من قبل أن يصل أحد هذه الأماكن ، بل ذلك أفضل إن كان ي

الوقوع في محظورات الإحرام .

d for those intending hajj to adopt ihram before reaching or
d to do this is best, provided one is sure in himself that he wil
of the forbidden acts of ihram.

كانت بلد الحج بعد هذه الأماكن مما يلي مكة فميقاته أي مكان أرده ، لكن لا يجوز

الحرم بقصد الحج أو عمرة إلا محرما .

If one is a resident in the country of hajj, but lives closer to Makkah than the sites of ihram, then his miqat (site of ihram) is any place he chooses on the way to **Makkah, though it is not permitted for him to enter the vicinity of al-Haram with the intention of hajj or umrah, unless he first observes ihram.**

كيفية الحج

How To Perform Hajj

إذا أراد الإنسان أن يحج فعليه أن يعمل ما يأتي :

If a person wishes to perform hajj, then upon him is the following;

1- أن يقلم أظفاره ، ويقص شاربه ، ويحلق شعره أو يقصره ، وأن يتوضأ أو يغتسل ، والغسل أفضل ، ثم يلبس إزارا يلفه على نصف بدنه الأسفل ورداء يلفه على نصف بدنه الأعلى ، والأفضل أن يكون الإزار والرداء جديدين أبيضين ، ويتطيب ،

1. **It is recommended to cut the nails, trim the moustache and shave or cut the hair. Thereupon one is to perform wudu or the major bath,** though the major bath is best on account that the Prophet ((God bless him and grant him peace)) performed this when preparing for hajj. **It is then sunna to wear new garments (one of which is the izar), a wrapping around the bottom half of the body and the other part called the ridah, wrapping it around the top half of the body. And it is better if both are white and new. A person is also to apply perfume** after bathing. Abu Hanifa and Abu Yusuf held that it does not matter if the traces of perfume remain on the body after assuming ihram. However, in the opinion of Imam Muhammad and Zufar, it is disliked to apply perfume in which traces remain after ihram has been adopted. This is also the view of Malik and Shafi'i. A'ishah (God be pleased with her) said, "I used to scent Allah's Messenger when he wanted to assume ihram and also on finishing ihram before the tawaf (al-Ifadah)."[1] This clearly indicates that the traces of perfume remained on the body. What is prohibited with respect to perfume is the use of it after ihram.

ويصلي ركعتين ، ثم يقول : اللهم إني أريد الحج فيسره لي وتقبله مني ،

One is then to pray two rak'ahs of prayer after which he is to say, *"O Allah, I wish to perform hajj, so ease the journey upon me and accept (this hajj) from me."* The reason for this supplication is because hajj contains many actions that involve hardship. Thus, one requests Allah to lighten the difficulty of the journey. With respect to the prayer, the Prophet ((God bless him and give him peace)) offered two rak'ahs of prayer at Dhul Hulayfa on wearing the ihram clothes.[2]

ثم يلبّي فيقول : لبيك اللهمّ لبيك ، لبّيك لا شريك لك ، لبّيك إنّ الحمد والنعمة لك والملك ، لا شريك لك ،

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[1] Bukhari 1539.

[2] Bukhari 1554.

After the prayer, one is to utter the talbiyah ***((At Your service, O Allah, at Your service. At Your service, none can be associated with You, at Your service. All Praise and blessing belongs to You as does the kingdom. None can be associated with You)).*** It is recommended to recite the talbiyah audibly while standing, sitting and walking. It is particularly recommended during every ascent and descent, when mounting and dismounting.

فإذا لبى ناويا بقلبه فقد أحرم .

Accordingly, when one pronounces the talbiyah intending in his heart, then indeed he has acquired ihram. Al-Hidayah states one does not legally enter the state of ihram with the intention alone unless he says the talbiyah. Though Imam Shafi'i disagreed on this point. The reason according to the Hanafi school is that the intention is like a pact for performance; therefore, it is necessary to follow it up with *dhikr* (remembrance of God).

2- و متى فعل ذلك حرم عليه الرفث ، والفسوق ، والجدل ،

2. **When one has adopted ihram, it is forbidden to engage in; a) obscenity** which is sexual intercourse or amorous talk or the meaning of intercourse, **b) sin** and disobedience to God, **c) to argue** or quarrel with others. God states in the Quran [For hajj are the months well known. If anyone undertakes that duty therein, let there be no obscenity, nor wickedness, nor wrangling in the hajj, and whatever good you do, (be sure) Allah knows it].[1]

وقتل صيد البر ، والإشارة إليه ، والدلالة عليه ، وأن يغطي رأسه أو وجهه

Forbidden also is; **d) to kill, hunt, to point towards prey or indicate where it is.** Allah said [Forbidden is the pursuit of land-game as long as you are in the sacred precincts or in pilgrim garb];[2] and **e) to cover the head or face** for a male and the woman must not cover her face, whilst it is obligatory to cover her head. Note: The female may cover her face with a cloth or rag provided it does not touch her face, whether it is for a need or not, or for fear of temptation or the like.

أو يقص شعره أو يقلم أظافره ، أو يتطيب ، أو يلبس مخيطا من قميص أو سروال أو غيرهما ، أو يلبس

حذاء أو خفا .

It is forbidden, **f) to cut the hair or nails, g) to place perfume on the body, h) to wear stitched clothing, such as shirts, trousers, shoes, or to wear moccasins (boots) and things of the like.**

لكن يجوز له الإغتسال ، ودخول الحمام ، والاستظلال بالبيت أو بالمحمل ونحوهما .

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[1] Baqarah 197.

[2] Al-Maida 96.

However, it is permissible to perform the major bath with water only because this would be required in the event of sexual impurity [*janaba*]. And verily Umar Ibn al-Khattab performed ghusl whilst in ihram.[1] **It is permitted to enter into a wash room, or take shade under the drapes of the ka'bah** or under a canopy, although Imam Malik said that seeking shade under a tent or what resembles it, is disliked, because it amounts to covering the head.[2] **One may also take shade underneath a hand held carriage or something of the like.**

The marriage contract of a person in ihram is considered valid, though the consummation of the marriage is forbidden. Imam Shafi'i and other imams held that even a marriage contract while in the state of ihram is unlawful and the marriage is invalid.

3- فإذا دخل مكة ابتدأ بالمسجد الحرام ، فيطوف حول الكعبة سبع مرات ، ويبتدأ بالحجر الأسود فيستقبله مكبرا

مهللا رافعا يديه ، ويقبله إن استطاع (وهذ هو طواف القدوم وهو سنة) ويصلي ركعتين

3. Tawaf al-Qudum (Arrival) upon arriving in Makkah

When one enters Makkah, he is to begin with Masjid al-Haram and is to make tawaf around the ka'bah seven times commencing from the black stone. Though prior to the tawaf, **one is to face the black stone, greet it, pronounce the takbir and tahlil (*saying; There is no god except but Allah*) during which his hands are raised. If one is able, he should touch the black stone with his two hands and kiss it** (without hurting others and if he cannot, then he is may greet it from a distance). He is then to make tawaf and when he reaches the black stone again, it is counted as one and so forth. One is to kiss the black stone every time he passes it in his tawaf. *Note: the floor is marked with a black line to indicate one's alignment with the black stone to signify when one has completed a circuit.* **This is known as *Tawaf al-Qudum*, and it is sunna. After this, one is to go to the station of Ibrahim and pray two rak'ahs** next to it or where it is possible in the mosque, and this is wajib to perform, whereas Imam Shafi'i held it as sunna. Additionally, Imam Malik said that this tawaf is an obligation due to the saying of the Prophet [Whoever comes to the House is to greet it with a tawaf]. On completion of the two rak'ahs, one is to return to the black stone and greet if able or at least face it and utter; 'God is great. There is no god except Allah. Glory be to Allah.' [*Allahu akbar, La ilaha illallah, Subhan Allah*].

The Prophet ((God bless him and give him peace)) said [The hands are not to be raised except on seven occasions...] and among these, he mentioned the greeting of the black stone. In addition, the Prophet ((God bless him and give him peace)) kissed the black stone upon which he said to Umar [Verily you are a strong built man, so do not torment people for the black stone].[3] Thus, no Muslim should be afflicted with harm in getting to the black stone.

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[1] Muwattah In The Chapter Of Hajj 6.

It is sunna for a man who wishes to perform the sa'iy between the Safa and Marwah after tawaf al-Qudum, that he observe idtiba' prior to the tawaf; and ramal in the first three circuits, and then walk normally in the remainder. **Ramal** - In the first three circuits of tawaf, it is sunna for the men to walk hastily, lifting their legs forcefully, keeping the chest out, and moving the shoulders simultaneously like a challenger in an arena. This is accompanied by ***idtiba'*** which is the passing of the top sheet under the right armpit and letting it hang from the left shoulder. This is observed before the tawaf. One should then walk normally in the four remaining circuits. It is recommended that in every circuit one should kiss the black stone (if able) and touch the Yemeni corner as Imam Muhammad held it as Sunna. Ibn Umar reported that when Allah's Messenger (God bless him and give him peace) performed tawaf in hajj and umrah he walked swiftly in the first three circuits (Ramal) around the house and then walked in the other four circuits and then observed two rak'ahs of prayer, and then ran between Safa and Marwah.[1]

ويخرج إلى الصفا والمروة فيسعى بينهما سبع مرات مبتدئا في كل مرة بالصفا خاتما بالمروة .

One is then to proceed towards the *Safa* and *Marwah* and move between them seven times beginning at *Safa* and ending at *Marwah*. Therefore, when one arrives at Safa, he is to climb upon it to such an extent that he will see the ka'bah during which he is saluting the House, pronouncing the takbir and tahlil, and blessings upon the Prophet. He is then to raise his hands and make supplications for his needs. This is based on the report that the Prophet climbed onto the Safa and on seeing the House turned towards the qibla and made supplications to God).[2] Following this, one is to descend towards Marwah walking in his normal gait. When he reaches the centre of the valley, he is to adopt a running gait by way of *sa'iy* between the two green pillars. After that, he is to adopt his calm gait until he reaches Marwah. He is to climb it and perform the same acts that he performed at Safa. All this constitutes one of the seven circuits to be done between the Safa and Marwah. Hence, from Safa to Marwah is considered as one circuit and the return to Safa is considered as the second and so forth until one has completed seven such circuits.[3] The first circuit is to begin at Safa due to the words of the Prophet ((God bless him and give him peace)) [Begin with what God, the Exalted has begun].[4]

4- ثم يبقى بعد ما فعل ذلك إلى يوم التروية وهو يوم الثامن من ذي الحجة ، فإذا جاء هذا اليوم ذهب بعد طلوع الشمس إلى منى فيبيت بها .

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[1] Muslim 2894.

[2] Al-Zayla'i vol 3/53. Al-Hidayah 368, Imran Ahsan Khan.

[3] Al-Hidayah-Hajj [Al-Ikhtiyar 210].

[4] Muslim, Abu Dawud, Ibn Majah, and Malik.

4. Staying at Mina (8th of Dhul Hijjah).

After having completed these actions, one is to remain in Makkah until the 8th of Dhul-Hijjah known as the day of deliberation. When this day arrives, one is to depart for Mina after sunrise where he is to spend the night. This is based on the report that the Prophet (God bless him and grant him peace) offered the fajr prayer on the day of deliberation at Makkah, and when the sun had risen he departed for Mina. In Mina, one will observe the noon prayer, afternoon prayer, sunset prayer, nightfall prayer and dawn prayer on the next day (9th) for this is what Jibril performed with Ibrahim and the Prophet. After the dawn prayer, one departs for Arafah.

5- فإذا كانت يوم التاسع من ذي الحجة ذهب إلى عرفة ، فيقف قريبا من جبل الرحمة ليسمع خطبة الإمام ويتعلم المناسك منه ،

5. Standing at Arafah (9th of Dhul-Hijjah)

After praying the dawn prayer on the 9th of Dhul-Hijjah in Mina, **one then departs for Arafah. At Arafah, one is to stand near the mountain of Mercy to listen to the sermon of the imam and learn the rituals of hajj from him.** The time limit for the standing at Arafah is from midday on the day of Arafah (9th) until the dawn of the 10th. If one misses this time limit, the hajj is invalid.

The best practice in undertaking this ritual is to stand at Arafah prior to sunset and remain there until it sets. Imam Malik holds that if a person leaves prior to sunset and does *not* return, then his hajj is invalid and he must return the following year.

Accordingly, when the sun passes over the meridian on the 9th of Dhul-Hijjah, two sermons are conducted by the imam. And provided the imam is present, one is to pray the *noon* and *afternoon* prayer combined at midday and one adhan is called with two iqamas. Note: The entire area of Arafah is considered as a place of standing except for the valley of Uranah.

During the sermon, the imam instructs the people about the station of Arafah, the station at Muzdalifah, the throwing of the stones at the Jimar, the sacrifice, the shaving of the head and the Tawaf az-Ziyarah. The two sermons are separated as in the case of the Friday prayer.[1] The Prophet ((God bless him and grant him peace)) said [Allah Almighty boasts of the people of Arafah on the day of Arafah saying; Look, My angels at My slaves. They come dishevelled, dusty arriving from every deep ravine. Bear witness that I have forgiven them. They will return like the day their mother bore them].

Additionally, Imam Malik held that one is to terminate the uttering of the talbiyah as soon as he adopts the post at Arafah because responding with speech occurs prior to carrying out the pillars. The Hanafis on the other hand rely on the

[1] Al-Hidayah 370

report that the Prophet continued to say the talbiyah until he reached Jamrah al-'Aqabah and the reason according to Al-Hidayah is that the talbiyah is like takbir in prayer, and therefore, he is to say it until the last rite of his ihram.

فإذا غربت الشمس ذهب إلى المزدلفة فبات فيها .

After sunset at Arafah, the people depart for Muzdalifah where they will spend the night. Imam Shafi'i held that one is to stay until midnight at Muzdalifah whereas Malik held that one must stay for as long as it takes to kneel a camel and then stand it back up. Note: the maghrib prayer is not to be performed at Arafah, but it is to be performed at Muzdalifah, combined with the 'isha prayer at the 'isha time, and both prayers are observed with only one adhan and one iqama. If a person observes the maghrib prayer on the way to Muzdalifah, it is not valid according to Abu-Hanifa and Muhammad. Additionally, the congregation is not stipulated for these two combined prayers according to Abu Hanifa because maghrib has been delayed beyond its time in contrast to the combining at Arafah where the 'asr was brought forward prior to its time.[1]

6- فإذا كانت يوم النحر – وهو يوم العاشر من ذي الحجة – يصلي الفجر بغلس ثم يقف بالمزدلفة ولو لحظة ،

6 - **When the Nahr day arrives which is the 10th of Dhul-Hijjah, one is to pray the dawn prayer at the earliest part of the dawn**, i.e. while it is very dark, not during the twilight. **After this, one is to stand at Muzdalifah even for a moment.** During this stand, strong supplication should be made. It is recommended to stand after the dawn prayer with the imam and supplicate. Allah said [Celebrate the Praises of Allah at the Sacred monument].[2] The entire area of Muzdalifah is regarded as a place of standing except the valley of Mahsar as the Prophet (God bless him and grant him peace) mentioned.

The time of the standing at Muzdalifah is from the arrival of true dawn (10th of Dhul-Hijjah - the Day of Sacrifice) until the day has grown considerably bright. If one were to neglect this standing without a valid excuse, he would be liable for sacrifice [*dám*]. Imam Shafi'i held it as a pillar on the basis of the words of Allah [Then when you pour down from Arafah, celebrate the praises of God at the Sacred Monuments].[3]

ثم يذهب إلى منى قبل طلوع الشمس فيرمي جمرة العقبة بسبع حصايات يكبر مع كل حصاة ، ثم يذبح شاة إن أحب ، ثم يحلق شعره أو يقصره ، والحلق أفضل ، فإذا فعل ذلك كله فقد حل له كل شيء من محظورات الإحرام إلا النساء.

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[1] Al-Hidayah 376.

[2] Al-Baqarah 198.

[3] Quran 2-198.

One then departs for Mina before sunrise. At Mina, he is to throw seven pebbles at Jamrah al-Aqabah and is to pronounce the takbir with each pebble thrown. After the throwing of the first stone, one ceases to recite the talbiyah. Jabir ((God be pleased with him)) reported that the Prophet (God bless him and give him peace) ceased the talbiyah upon the first throw and said, '*Allahu akbar*' with every throw, upon which he slaughtered and shaved his head and then proceeded towards Makkah to perform tawaf in the house. *If one throws the stone and it falls close to the Jamrah, it is valid. If the stone drops far away from the jamrah, it is invalid. If one throws all seven at once, then it is counted as one time.*[1] Also, with respect to the pebbles, it is recommended to gather them from Muzdalifah or from the road of Mina. It is disliked to gather the stones from those which lay at the jamrahs. **Following this, one may sacrifice if he wishes and then shave or cut his hair, though shaving is best as mentioned by the Prophet earlier ((God bless him and give him peace)). When one has performed all these actions, everything becomes lawful except women (sexual intercourse).** Imam Malik excludes perfume as well, since it is one of the things that leads to sexual intercourse. We rely on the words of the Prophet [Everything is lawful for him except women].[2]

7- ثم يعود إلى مكة في نفس يوم النحر إن استطاع ، فإذا لم يستطع ففي اليوم الذي يليه ، فإن لم يستطع

ففي يوم الثاني عشر ، ولا يؤخر عن ذلك ،

7. Tawaf az-Ziyarah (known also as Tawaf al-Ifadah)

Thereafter, one is to return to Makkah on the same day to perform tawaf provided he is able (i.e. on the 10th Dhul-Hijjah which is the Nahr day). **If one is unable, then he is to return on the next day (11th) or on the day after that (12th) for the time of tawaf is for the three days of sacrifice (Nahr) though the first day is best. However, one is not to delay the tawaf beyond this.** Its appointed time however is the day of Sacrifice (Nahr) on the basis that Allah mentioned the tawaf in conjunction with the slaughter. Allah the Exalted said [And eat thereof] and then said [And perform the tawaf around the House].[3]

Hence, there are four actions that are performed on the 10th and they are: i) the stoning, ii) slaughtering, iii) shaving the hair and iv) tawaf al-Ifadah. Abu Hanifa held it necessary to perform the acts in order. If one advances the slaughtering over the stoning or the shaving over the stoning, then one must sacrifice an animal on the basis that Ibn Mas'ud said, "Whoever advances a ritual over a ritual must sacrifice."[4] In addition, when three of these four acts have been performed, one is released from his ihram, though he must first perform the tawaf before having sexual intercourse.

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[1] Al-Hidayah.

[2] Abu Dawud.

[3] Quran 22:29.

[4] Fiqh al-Islam, Ibrahim al-Silkini 518.

فإذا صار بمكة طاف بالبيت سبعة أشواط (وهذا هو طواف الإفاضة ، وهو ركن، ويسمى طواف الزيارة أيضا)

When one arrives in Makkah, he is to observe tawaf in the House seven times, and this is known as *Tawaf al-Ifadah* and it is a pillar. This tawaf is also called *Tawaf az-Ziyarah*, The basis is the report that the Prophet ((God bless him and give him peace)) after he had his head shaved, departed for Makkah, and performed the tawaf of the House. Thereafter, he returned to Mina and offered the noon prayer at Mina. [Note: If a person performed his *sa'iy* after *tawaf al-Qudum* [arrival], he does not have to do *ramal* in the first three circuits of *tawaf az-Ziyarah*. But if one did not do *sa'iy* after *tawaf al-Qudum*, then he is to observe *ramal* in this tawaf (*i.e. tawaf az-Ziyarah*) followed by *sa'iy* after it]. The performance of this tawaf after these three days is disliked. And if one delays it beyond these three days, he becomes liable for atonement through sacrifice [*dám*] according to Abu Hanifa.[1]

ومتى طاف هذا الطواف حلّ له كلّ شيء حتى النساء.

After completion of this tawaf, everything becomes lawful even women (i.e. sexual intercourse with one's partner).

8- فإذا كان قد ذهب إلى مكة في يوم النحر وطاف الزيارة رجع إلى منى في يوم النحر فبات بها

8. Spending the night in Mina and the stoning of the Jamrahs on 11th and 12th of Dhul-Hijjah

If a person had travelled to Makkah to offer *Tawaf az-Ziyarah* on the day of Nahr (10th of Dhul Hijjah), then he is to return to Mina on the same day and reside there. It is disliked to spend the night anywhere else other than Mina during the days of Mina.

9- فإذا كان يوم الحادي عشر رمى الجمرات الثلاث بعد الزوال ، يرمي كل جمرة بسبع حصايات ، ويبدأ بالجمرة التي تلي المسجد ، ثم بالتي تليها ، ثم بالجمرة العقبة .

9. **On the 11th of Dhul-Hijjah, one is to stone the three sites after midday. He is to throw seven pebbles at each site. And he is to begin with the site** (closest to the Khayf mosque), **throwing seven pebbles, saying "Allahu akbar" with each pebble thrown. He then throws pebbles at the site after that (which is the middle Jamrah)** repeating the same actions as the first **and then the last site termed al-Aqabah** (repeating the actions of the previous sites). Note: between the stoning of each site one is to remain there momentarily during which he faces the qibla and recites the takbir, praises Allah, and sends blessings and salams upon our Holy Prophet (God bless him and give him peace) during which one supplicates to Allah what he wishes. The hands are raised for this supplication. This is based on the words of Prophet (God bless him and give him peace) who said, "The hands are not to be raised except on seven occasions," and among them he mentions the occasions near the two Jamrahs. *Thus, all three Jamrahs are each stoned seven times during which takbir is uttered upon each throw; and supplication is made at the first two sites.*

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[1] Al-Hidayah 382.

10- فإذا كان اليوم الثاني عشر ، فعل مثل ما فعل في اليوم الحادي عشر وبذلك ينتهي حجّه .

10. **On the 12th of Dhul-Hijjah, one is to repeat the actions he performed on the** 11th. That is, one is to stone all three sites as he did the previous day. **And upon this, hajj is complete.**[1]

If however, a person remains at Mina overnight on the 12th of Dhul-Hijjah, then he must repeat the stoning of all three Jamrahs on the 13th of Dhul-Hijjah as was performed on the 12th and 11th. If on the other hand, one quickly leaves for Makkah before nightfall on the 12th, then he does not have to repeat the stoning on the 13th of Dhul-Hijjah. Imam Shafi'i held that after the sun sets on the 12th (i.e. the third day of sacrifice) it is not lawful to depart until one has repeated the stoning on the fourth day (13th Dhul-Hijjah).

Abdullah Ibn Umar (God be pleased with him) said, "For whoever the sun sets during the middle days of Tashriq (12th) while he is in Mina he must not leave until he has stoned the pillars (Jamrahs) on the following day))." Imam Muhammad said: We adhere to this and it is the verdict of Abu Hanifa and our fuqaha in general.

Leaving for Makkah

On the way to Makkah, it is recommended to stop for a time at al-Abtah between Mina and Makkah because the Prophet ((God bless him and grant him peace)) camped there.

11- ثم يعود إلى مكة فيطوف بالبيت طواف الصدر سبعة أشواط (ويسمى هذا الطواف أيضا طواف الوداع ، وطواف آخر العهد ، وهو الطواف المعدود في واجبات الحج) .

11. Tawaf al-Wada' (known also as Tawaf as-Sadr-Farewell)

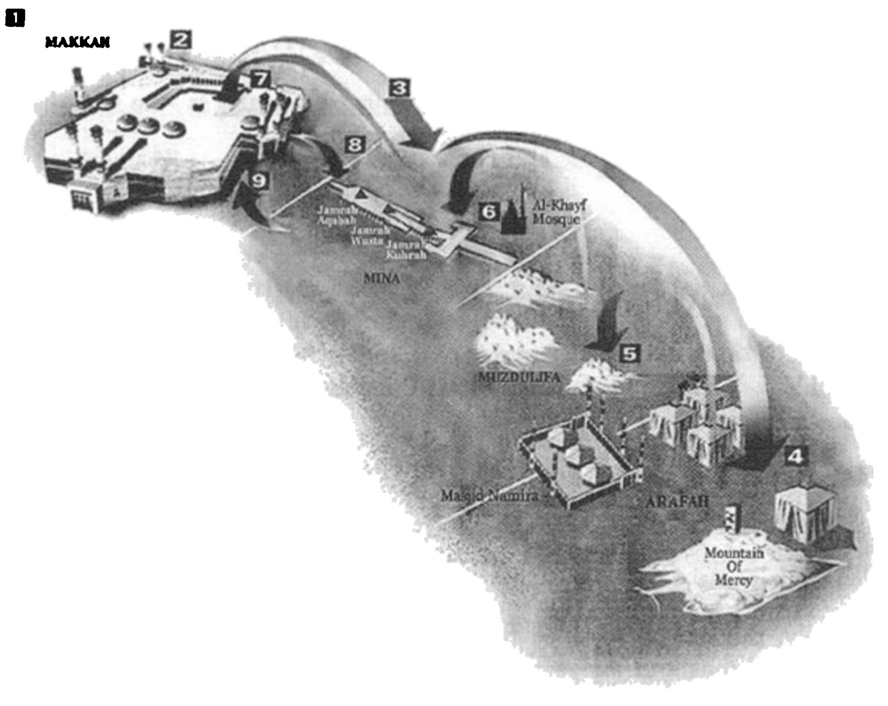
Thereafter, one is to return to Makkah and perform *Tawaf as-Sadr* in the House making seven circuits. This tawaf is the last of the actions of hajj and it is the tawaf that is deemed a wajib element of hajj. The Prophet ((God bless him and give him peace)) said [If someone observes hajj to the house, the last of his business with the House is tawaf]. This tawaf is not wajib for the people of Makkah because they do not leave it or bid it farewell. ***There is no ramal in this tawaf.*** After completion of the farewell tawaf, one is to go to the Zamzam and drink some of its water while standing, pouring some of it over the head and face, Thereafter one may go to al-Multazam, which is between the black stone and the door, placing the chest and face against it and ask Allah for whatever one wishes.

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[1] The meaning here is that the actions of hajj are complete even though one is still required to perform the farewell tawaf as the last of his actions.

Summary - Hajj begins on the 8th of Dhul-Hijjah

1. Observe ihram from the miqat (specified sites)
2. Arrive at Makkah and perform Tawaf al-Qudum (sunna) starting from the black stone. Two rak'ahs of prayer at the place of Ibrahim and thereafter go between the Safa and Marwah seven times
3. On the 8th of Dhul-Hijjah one travels to, and resides at Mina observing dhuhr, 'asr, maghrib, 'isha, and the fajr of the next morning.
4. On the 9th of Dhul-Hijjah, one progresses to Arafah where he pauses and listens to the talk of the imam. If the imam is present, combine dhuhr and 'asr at noon time with one adhan and two iqamas. One is to remain here until sunset
5. After sunset, proceed to Muzdalifah and combine maghrib and 'isha prayer with one adhan and one iqama. On the 10th Dhul-Hijjah in Muzdalifah one is to stand at Muzdalifah after the dawn.
6. Thereafter go to Mina and stone only Jamrah al-Aqabah seven times. Then sacrifice and shave the hair (but no sexual intercourse).
7. If able on the 10th, return to Makkah and observe the Tawaf az-Ziyarah (Ifadah) which is a pillar, seven circuits. Then return to Mina.
8. 11th and 12th, stone the three sites on each day.
9. Return to Makkah and perform Tawaf as-Sadr (wada'-farewell) which is wajib.



There Are Three Types Of Hajj One Can Perform. They are as follows:

1- Qiran - *This type of hajj consists of forming an intention for both umrah and hajj together, with only one ihram from the ihram sites (mawaqit).* The clothing of ihram in this type is not to be taken off until Eid and it is compulsory to sacrifice during this type of hajj. This is what the Prophet ((God bless him and grant him peace)) performed. For this type of hajj, one is to perform two sets of *sa'iy*, once for umrah and the other for hajj; and one is required to sacrifice out of gratitude.

2- Tamattu' - *Is when umrah and hajj are performed separately.* Though both are performed in the time of hajj. This hajj includes ihram for umrah first. After completing the umrah, one can remove the clothes of ihram until the day of deliberation (8th). Thereafter one observes ihram for hajj during its time, though *both the umrah and hajj are performed in the months of hajj.* The person performing *tamattu'* must sacrifice out of gratitude.

3- Ifrad - *This type of hajj consists of performing only hajj* during the days of hajj. The clothing of ihram cannot be removed until hajj is complete.

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UMRAH

معنى العمرة

The Meaning Of Umrah

تطلق العمرة لغة على الطاعة ، وهي شرعا ((زيارة بيت الله الحرام لأداء أفعال مخصوصة))

Linguistically, umrah means obedience. Its legal meaning is – to visit the House of Allah, Al-Haram to perform specific actions.

حكم العمرة

The Ruling Of Umrah

والعمرة سنة مؤكدة على الأصح في المذهب ، وصحّح بعض العلماء أنها واجبة .

Umrah is an established sunna according to the most evident view in the Madhhab. Though some scholars maintain that the correct view is that it is necessary [*wajib*].

هل للعمرة وقت معين

Is There A Specified Time For Umrah?

وليس للعمرة وقت معين شرعا كالحج ، فيجوز فعلها في جميع أيام السنة . ولكن يكره فعلها في خمسة أيام:

Legally, there is no specified time to perform umrah; therefore, it is permitted anytime throughout the year. Although, it is disliked to perform umrah during five days;

يوم عرفة ، ويوم النحر ، وأيام التشريق الثلاثة . ويندب فعلها في رمضان .

The day of Arafah and the day of Nahr (10th Dhul-Hijjah) as well as the three days of Tashriq (11th, 12th and 13th Dhul-Hijjah) and the reason being is due to the congestion of the people performing hajj. **It is however recommended to perform umrah during Ramadan.**

ركن العمرة

The Pillar Of Umrah

وركن العمرة : الطواف حول البيت سبعة أشواط أو أكثرها .

The pillar of umrah is to make tawaf around the House seven times or the majority of these seven.

واجبات العمرة :

The Wajib Elements Of Umrah

وللعمرة واجبان : أحدهما السعي بين الصفا والمروة ، وثانيهما الحلق أو التقصير .

There are two necessary acts of umrah

i) **The running between the Safa and Marwah (*sa'iy*)**
ii) **The shaving or cutting of the hair.**

شروط العمرة :

The Conditions Required For Umrah

ويشترط للعمرة الإحرام : فمن كان في مكة أحرم بها من الحل ، ومن كان يريد الإحرام بالعمرة وهو من أهل الآفاق أحرم بها من ميقات حجّه .

The condition for umrah is to adopt the ihram. If a person is a resident in Makkah, then he is to adopt ihram from the area of al-Hill (this is an area outside the Haram). **And if one lives in a distant region and intends to perform umrah, then he is to observe ihram from one of the designated sites for hajj.**

كيفية العمرة

How To Perform Umrah

إذا أراد الإنسان أن يعتمر تجرد وتنظف على نحو ما ذكرناه في الحج ، ثم يقول : اللهم إني أريد العمرة فيسرها لي وتقبلها مني ، ثم يلبي ، فهذا هو الإحرام بها ،

If a person wishes to perform *umrah*, he is to remove his normal clothes and cleanse himself as was previously mentioned for hajj (such as the major bath).

Thereafter he is to utter: *'O Allah, verily I wish to perform umrah, so make easy the journey and accept it for me'* – after which he is to say the talbiyah. This is the ihram for Umrah. The talbiyah is: [At Your service, O Allah, at Your service. At Your service, none can be associated with You, at Your service. All Praise and Blessing belongs to You as does the kingdom. None can be associated with You].

فإذا دخل مكة طاف بالبيت ، ثم سعى بين الصفا والمروة سبع مرات ، ثم حلق شعره أو قصره . فإذا فعل ذلك فقد تمت عمرته .

When one enters Makkah, he is to observe tawaf of the ka'bah, which is seven circuits. After this, he is to go between the Safa and Marwah seven times *(sa'iy)*. Thereafter, he is to shave his head or cut his hair. When a person does this, his umrah is complete.

Hajj Qiran

معنى القران

The Meaning Of Hajj Qiran

القران : هو أن يجمع في الإحرام بين الحج والعمرة فيقول بعد صلاة ركعتين الإحرام ((اللهم إني أريد العمرة والحج فيسرهما لي وتقبلهما مني)) ثم يلبي .

Qiran is to combine both hajj and *umrah with the one ihram.* After praying the two rak'ahs of ihram, one is to say, [*O Allah, verily I wish to perform umrah and hajj, so make easy the journey and accept these actions from me*]. Following this, he is to pronounce the talbiyah as mentioned earlier for umrah and hajj. *On completion of these actions, one has acquired ihram.*

حكم القران

The Ruling Of Qiran

القران أفضل من أداء الحج وحده ، ومن أداء العمرة وحدها ، ومن أدائهما منفصلين .

Qiran is superior than performing hajj alone, and superior than performing umrah alone. Qiran is also superior than performing tamattu' (which is to perform both umrah and hajj - though at separate intervals). Imam Shafi'i held that the Ifrad form of hajj is superior.[1] Imam Malik held that tamattu' is better than qiran. Imam Shafi'i relies upon the hadith that the Prophet said, "Qiran is a rukhsah (exemption)," and maintains that there are additional requirements in the Ifrad form such as talbiyah, journey and shaving and is therefore superior. The Hanafis rely on the words of the Prophet, "O family of Muhammad, pronounce the tahlil of performing hajj and umrah together."[2]

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[1] The Ifrad form of hajj is when one performs hajj alone in the time of hajj.

[2] Al-Hidayah.

كيفية القران

How To Perform Qiran

إذا دخل القارن مكة بدأ بطواف العمرة سبعة أشواط ،

When the person performing qiran enters Makkah, he is to begin by making tawaf for *umrah* which is seven circuits (around the House), during which there is ramal in the first three circuits.

ثم يصلي ركعتي الطواف ،

He is then to pray two rak'ahs after the tawaf, because each tawaf is followed with two rak'ahs whether the tawaf is obligatory or optional.

ثم يخرج إلى الصفا والمروة فيسعى بينهما سبعة أشواط ، وبذلك تنتهي أعمال العمرة .

Upon this, one is to proceed to Safa and Marwah and move between them seven times [*sa'iy*]. And with this, the actions of umrah are complete. Note: one is not to shave his head in between the umrah and the hajj because this is a violation of the ihram of hajj. He is to shave on the *Day of Sacrifice* just as the person in the Ifrad form does.

ثم يذهب ثانية إلى البيت الحرام فيطوف به طواف القدوم للحج ، ثم يستمر في أعمال الحج التي سبق ذكرها

He then commences the acts of hajj by going back to al-Haram a second time and performs Tawaf al-Qudum for hajj around the ka'bah. Then, he is to continue the actions of hajj as mentioned earlier.

دم الشكر

The Sacrifice Of Gratitude

Sacrifices are to be made on the *Days of Sacrifice* (10-12th Dhul-Hijjah) and are to take place in the area of Haram.

فإذا رمى القارن جمرة العقبة يوم النحر وجب عليه أن يذبح شاة من الغنم أو يشترك بالسبع في بقرة أو

ناقة ، شكرا لله تعالى على أن وفقه لأداء الحج والعمرة وهداه إلى طاعته .

After a person stones *Jamrah al-Aqabah* on the 10th of Dhul-Hijjah, it is *wajib* upon him to slaughter a sheep, or adopt a share between seven people in slaughtering a cow or camel (the share being 1/7). **This sacrifice is one of thanksgiving to Allah, the Glorified and Exalted for enabling him to perform hajj and umrah and enabling him to the obedience of Allah.**

فإذا لم يجد ما يذبحه أو ما يشتري به وجب عليه أن يصوم عشرة أيام : ثلاثة منها قبل مجيء يوم النحر من أشهر الحج ، وسبعة بعد الفراغ من أعمال الحج ولو بمكة ولو صامها متفرقة جاز .

If there is no animal available to sacrifice or one does not have the funds to buy an animal to sacrifice, then it is necessary to fast ten days. Three of these days are to be fasted before the 10th of Dhul-Hijjah and a further seven days after completing the actions of hajj. These seven days may be fasted in Makkah intermittently; meaning, they do not have to be seven continuous days of fasting, they may be separated apart. This rule is due to the words of Allah [For a person who does not find an animal there is fasting of three days and seven when he returns. These are ten complete days].

Imam Shafi'i held that people are to fast the seven days after they have returned to their families and that it is not permitted before it, and he used as his basis the words of Allah [He should fast three days during hajj and seven days on his return, making ten days in all].[1] However, other scholars of Quranic interpretation maintained that *'return'* refers to the completion of hajj. In addition, it is recommended for one to eat from the sacrificial meat according to Imam Abu Hanifa.

Tamattu'

The description of this form is that the worshipper begins from the miqat sites during the time of hajj. He is to adopt the ihram for umrah and then enter Makkah. He is to perform the tawaf (*with ramal*), go between Safa and Marwah and shave or cut his hair. He is then to release himself from the state of ihram. On the day of Tarwiyah (deliberation–8th), he is to wear the ihram of hajj from the Haram and perform hajj.[2]

معنى التمتع

The Meaning of Tamattu'

التمتع في اللغة : الارتفاق والترفه ، وهو شرعا : أن يحرم بالعمرة وحدها من الميقات في زمان الحج ، فإذا أتم أعمالها أو أكثرها أحرم بالحج

Linguistically, tamattu' means comfort and luxury. Legally, tamattu' means: To observe ihram solely for umrah from the designated sites in the times of hajj, and upon completion of its actions or the majority, one is to observe ihram for hajj. As previously mentioned this type of hajj is when umrah and hajj are performed separately, but both are performed during the time of hajj.

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[1] Al-Baqarah 196.

[2] Al-Hidayah.

حكم التمتع

The Ruling Of Tamattu'

التمتع أفضل من أداء الحج وحده ، وأفضل من أداء العمرة وحدها ، ولكن دون القران .

Tamattu' is deemed superior than performing hajj by itself. It is also superior to performing umrah alone. However, qiran is deemed superior than tamattu'.

كيفية التمتع

How To Perform Tamattu'

وكيفية التمتع أن يحرم بالعمرة من الميقات ، فيقول بعد صلاة ركعتي الإحرام ((اللهم إني أريد العمرة فيسرها لي وتقبلها مني)) ثم يلبي حتى يدخل مكة ، فيطوف لها ، ويقطع التلبية بأول طوافه ،

The one observing tamattu' is to begin by adopting ihram from the miqat (designated sites). **Following this, he is to pray the two rak'ahs of ihram after which he says [*O Allah, verily I intend to perform Umrah, so make easy the journey upon me and accept this act from me*]. Thereafter, he is to pronounce the talbiyah until he arrives at Makkah where he is to observe the tawaf for umrah and is to cease the talbiyah when he commences the first circuit.** Imam Malik held that one is to cease the talbiyah when he sees the House because umrah is a visit to the House.[1]

ثم يصلي ركعتي الطواف ، ثم يسعى بين الصفا والمروة سبعة أشواط ، ثم يحلق رأسه أو يقصر شعره ،

Thereafter, he is to pray the two rak'ahs of tawaf and then go between the Safa and Marwah seven times. He is then to shave or cut his hair. It is necessary that one shave his head in order to be released from ihram.

فإذا فعل ذلك صار حلالا ، وحل له كل شيء حتى النساء .

Upon completion of these actions, all things become lawful even women (sexual intercourse). Meaning one is thereby released from his ihram. Note; al-Hidayah states that the cause of being released from one's ihram is the shaving of the head, as is the case with the final salams with respect to prayer.

فإذا جاء يوم الثامن من ذي الحجة (ويسمى يوم التروية كما سبق) أحرم بالحج من الحرم ، ويؤدي أعماله التي سبق بيانها .

Then on the 8th of Dhul-Hijjah termed the *Day of Deliberation*, one is to adopt ihram for hajj from the Haram area (the sacred area of Makkah) **and carry out its actions as previously mentioned.** Note: It is called the Day of Deliberation because after Ibrahim (upon him be peace) had seen the vision to slaughter his son, he remained patiently to establish the reality of the vision, that the vision was not from Satan the accursed.

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[1] Al-Hidayah.

دم الشكر

The Sacrifice Of Gratitude

فإذا رمى جمرة العقبة يوم النحر لزمه ذبح شاة من الغنم أو الاشتراك بالسبع في بدنة بقرة أو ناقة

After a person stones *Jamrah al-Aqabah* on the day of sacrifice (10th Dhul Hijjah), it is *wajib* upon him to sacrifice a sheep, or take a share in a group of seven in sacrificing a cow or camel (the share being 1/7).

فإن لم يجد صام ثلاثة أيام قبل مجيء يوم النحر وسبعة إذا رجع ، كما ذكرنا في أحكام القارن ،

If one does not have the means to sacrifice, then he must fast three days prior to the day of sacrifice (10th Dhul Hijjah) and seven days upon his return as mentioned earlier in the ruling of qiran.

فإذا لم يصم الأيام الثلاثة حتى جاء يوم النحر تعين عليه ذبح شاة ولا يجزئه صوم ولا صدقة .

If however, one does not fast three days prior to the 10th of Dhul Hijjah, then he is required to sacrifice a sheep, for no fast or charity will suffice unless it be the sacrifice of a sheep.

Offences

الجناية على الاحرام

Violations While In Ihram

أقسام الجناية

Types Of Violations

الجناية تنقسم إلى قسمين : جناية على نفس الإحرام ، وجناية على الحرم .

The violations are divided into two types;

1. **Violating the restrictions of Ihram,** such as intercourse while in the state of ihram.
2. **Violating the sanctity of the Haram** (i.e. the Sacred area of Makkah) such as hunting in this area.

والجناية على الإحرام تنقسم إلى أربعة أقسام : منها ما يوجب دما ، منها ما يوجب صدقة ، ومنها ما يوجب دون ذلك ، ومنها ما يوجب القيمة .

1- ***Violating the restrictions of ihram is divided into four sections;***

i) The first part requires the sacrificing of an animal to atone for the violation, ii) the second requires the giving of sadaqah (charity), iii) **the third requires one to pay less than the above sadaqah,** iv) **the fourth requires one to pay the value in cash or other,** as shall be explained.

متى يجب الدم ؟

When The Sacrifice Of An Animal Is Wajib

يجب على المحرم البالغ دم إذا طيب عضوا من أعضائه ، أو خضب رأسه بحناء ، أو ادهن بزيت ونحوه ، أو لبس مخيطا ، أو ستر رأسه يوما كاملا ، أو حلق ربع رأسه ، أو قص أظفار يديه ورجليه في مجلس واحد أو أظفار يديه ، أو ترك واجبا من الواجبات التي بيناها فيما سبق.

If a mature person in the state of ihram performs any of the following acts, then he is required to sacrifice an animal to atone for the violation. The violations are; a) to perfume a member (or limb) of one's body. The limb is like the head, calf, thigh and what is similar; **b) or he dyes his hair with hair dye, c) or rubs oil or something similar on his body, d) or wears stitched clothes for a complete day, e) or covers his head for a complete day, f) or shaves a fourth of his head, g) or he cuts the nails of his hands and feet in the same sitting, h) or cuts all the nails of one hand, i) or neglects a necessary (wajib) element.** The reason sacrifice is necessary in all these cases is because there is clear prevention from the Prophet ((God bless him and give him peace)) on such matters.

متى تجب الصدقة

When Is Sadaqah Required?

وتجب الصدقة على المحرم إذا طيب أقل من عضو ، أو لبس مخيطا ، أو ستر رأسه أقل من يوم أو حلق أقل من ربع رأسه ، أو قص ظفرا واحدا

One is required to pay sadaqah if he, a) perfumes less than a limb, b) wears stitched clothes for less than a day, c) covers the face for less than a day, d) covers the head for less than a day, e) shaves less than a fourth (quarter) of his head, f) or cuts only one nail. The reason sadaqah is required in these cases and not sacrifice is due to the deficiency of the offence.

أو طاف للقدوم أو للصدر ، محدثا ، أو ترك شوط من طواف الصدر ، أو ترك حصاة من إحدى الجمار ، ولكل شوط من طواف الصدر ولكل حصاة من إحدى الجمار صدقة .

If one performs *Tawaf al-Qudum* or *Tawaf as-Sadr* in a state of minor impurity, or neglects a circuit from *Tawaf as-Sadr* or leaves out a pebble from one of the three sites, then he is liable for sadaqah. And for every circuit of *Tawaf as-Sadr* and for each pebble which is neglected, a sadaqah is to be paid.

والصدقة التي يخرجها عن كل واحد مما ذكر نصف صاع من بر أو قيمته .

The sadaqah that one must give for each offence mentioned is half a measure [*sa'*] of wheat or its value in cash.

متى يجب الأقل من الصدقة

When Less Than The Above Sadaqah Is Required

ويجب الأقل من الصدقة إذا قتل المحرم البالغ قملة أو جرادة فإذا فعل تصدق بها شاء .

If a mature person in the state of ihram kills a louse or locust, then it is necessary for him to give sadaqah of whatever amount he wishes.

متى تجب القيمة

When Is One Required To Pay The Value?

إذا قتل المحرم البالغ صيدا بريا قومه اثنين ذوا عدلٍ ، فإن كانت قيمته ثمن هدي تخير بين أن يشتري الهدي ويذبحه في الحرم ويتصدق به ، وبين أن يشتري طعاما ويوزعه على الفقراء فيعطى لكل فقير نصف صاع من بر ، وبين أن يصوم عن طعام كل فقير يوما،

If a mature person in the state of ihram kills or hunts on the land, then the animal killed is evaluated by two upright people and if the assessment amounts to an offering, then one has the option between, i) purchasing an offering and slaughtering it in the Haram area and then give it as sadaqah to the poor, or ii) one may purchase food (equal to the value of an offering) and distribute this amount amongst the poor, giving each person half a measure [*sa'*] of wheat or iii) one has the option of fasting one day instead of feeding each poor person (*half a sa'*). This means that the animal killed is evaluated in terms of food. And if for example the animal evaluated amounts to the feeding of ten people, then normally, they are to be given half a *sa' each*, though one has the option of fasting one day for each half *sa'*.

وإن لم تبلغ قيمة الصيد المقتول ثمن هدى تخير بين شراء الطعام والصوم على النحو المذكور .

And if the animal killed does not amount to the value of an offering, then one has the option of buying meals for the poor (according to the value of the kill) **or fasting according to the method described above.**

ولا شيء على المحرم إذا قتل غرابا أو عقربا أو فأرة أو كلبا عقورا أو بعوضا أو نملا أو برغوثا أو قرادا أو سلحفاة أو ما ليس بصيد .

There is no obligation if a person in the state of ihram kills a crow, scorpion, mouse, rabid dog, mosquito, ants, flees, ticks, turtles or what cannot be hunted or gamed. It is lawful for a person in the state of ihram to kill harmful animals, whether it is in the Haram or outside of the Haram area.

الهدي

Hadyi (Sacrifice / Offering)

معنى الهدي

The Meaning Of Hadyi (Offering)

الهدي : هو ما يهدي إلى الحرم من الغنم .

The hadyi is a sheep that is offered to the poor in the Haram.

أنواع الهدي

The Types Of Offerings

وأقله شاة من الغنم بنت سنة ، فإن كان من البقر فمما مضى عليه سنتان ، وإن كان من الإبل فمما مضى عليه خمس سنين .

The sacrifice of a sheep must be at least one year of age. If the offering is a cow, the minimum age is two years old. If the offering is a camel, the minimum age is five years old. The offering is of three kinds: camels, cows and sheep. The basis is that when the Prophet ((God bless him and grant him peace)) deemed a goat to be the least form of an offering, then it is necessary that the best be cows and camels.

ما تجزىء فيه الشاة ، وما لا تجزىء فيه

A Sheep Suffices For What Violation

والشاة من الغنم تجزىء في كل شيء ، إلا إذا طاف طواف الركن جنبا ، أو جامع بعد الوقوف بعرفة وقبل أن يحلق أو يقصر ، ففي هاتين الحالتين يجب عليه بدنة بقرة أو ناقة .

The sheep suffices for all violations except if one performs *Tawaf az-Ziyarah (a pillar of hajj)* in the state of sexual impurity [*janaba*], or indulges in sexual intercourse after the standing of Arafah prior to the shaving or cutting of the hair in which case it becomes necessary to sacrifice either a cow or camel in both situations.

شروط الهدي

Conditions Of The Offering (Hadyi)

ولا بد في الهدي أن يكون سليما عن عور وعرج ونحوهما .

It is a necessary requirement for the sacrificial animal to be free from defect, limping, and others factors resembling these.

وقت ذبح الهدي

The Time Of Slaughtering The Offering

ووقت ذبح الهدي إن كان الهدي قران أو تمتع أيام النحر الثلاثة ، وإن كان غيرهما فليس له وقت محدود شرعا.

The time of slaughtering the offering for the qiran form of hajj or the tamattu' form is the three days of Nahr (10th, 11th and 12th Dhul-Hijjah). As previously mentioned, the one performing qiran or tamattu' is required to sacrifice, and these are the days he is to sacrifice his offering. **If one is slaughtering for other than these reasons (such as for a violation or omission); then legally, there is no specified time for the sacrifice.**

مكان ذبح الهدي

The Place Of Slaughtering The Offering

ومكان ذبح الهدي – أي هدي كان – الحرم ، ولا يختص بمنى ، إلا إذا كان هدي تطوع وتعيب في

الطريق فينحره في محله .

The place for slaughtering any offering is the Sacred area al-Haram. And one must not specify the slaughtering to Mina, unless the offering is a voluntarily one or the offering suffers an injury during the journey, in which case it may be slaughtered in its place. If the offering is a voluntary one, then it is sunna to slaughter it in Mina during the days of Nahr as the Prophet (God bless him and give him peace) did, otherwise it is in al-Haram. Hence, the place of slaughtering the offering is Makkah due to the words of Allah [An offering that reaches the ka'bah],[1] unless the offering is a voluntary one.

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[1] Quran 5:95.

زيارة النبي عليه الصلاة والسلام

Visiting The Prophet (pbuh)

حكم زيارة القبور

The Ruling Of Visiting Graves

1- زيارة القبور بوجه عام ، للاتعاظ وللدعاء لأهلها ، سنة وقد قال رسول الله ((كنت نهيتكم عن زيارة القبور ، فزوروها))

1- Visiting the graves of the dead from a general point of view is to take lesson or heed from, and to supplicate for the deceased. It is a sunna practice to visit the graves due to the words of the Prophet ((God bless him and grant him peace)) who said [I would have prevented you from visiting graves, but you may now visit them].[1] Al-Tirmidhi added to the above: for it reminds one about the hereafter. Ibn Majah also added from Ibn Mas'ud: and it makes one overlook the worldly pleasures.

وقال صلوات الله وسلامه عليه ((زوروا القبور فإنها تذكر بالموت ، وورد أنه (مر بقبور المدينة فأقبل عليهم بوجهه ، فقال : السلام عليكم يا أهل القبور ، يغفر الله لنا ولكم ، أنتم سلفنا ونحن بالأثر)).

The Prophet ((God bless him and grant him peace)) also said [Visit the graves, for verily you will remember death] and it has been narrated that the Prophet ((God bless him and grant him peace)) passed by the graves of Madina and turned his face towards them and said [Peace be upon you, O residents of the graves. May Allah forgive us and you. You have preceded us and we are following].

2- وزيارة النبي عليه الصلاة السلام آكد في السنية ، فإن الاتعاظ به أقوى والدعاء له بالصلاة عليه ألزم ،

2- Visiting the tomb of the Prophet ((God bless him and grant him peace)) is more significant (and emphasized) **in the sunna because the lesson realised from his passing is stronger and the supplications of blessings for him is required.** Note; this means that visiting the graves of the dead is deemed sunna and visiting the tomb of the Prophet is more significant.

وقبره الشريف في مسجده الذي قال عليه الصلاة والسلام في شأنه ((لا تشد الرحال إلا إلى ثلاثة مساجد : مسجدي هذا ، والمسجد الحرام ، والمسجد الأقصى))

The tomb of the Prophet ((God bless him and grant him peace)) **is located in his Mosque, the one he mentioned in great importance saying,[Do not tighten the straps except to three masjids; my Masjid, the Masjid al-Haram (Makkah), and Masjid al-Aqsah (Jerusalem)].**

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[1] Muslim.

The Prophet ((God bless him and grant him peace)) also said [One prayer in this masjid of mine is better than a thousand prayers in any other masjid except the sacred masjid, Masjid al-Haram].

وقد قال عليه الصلاة والسلام ((من حج ولم يزرني فقد جفاني)).

The Prophet ((God bless him and grant him peace)) said [Whoever made hajj and does not visit me, has turned away from me].

The Prophet ((God bless him and grant him peace)) also said [If anyone comes to visit me for no other reason except visiting me, it is a duty for me to be his intercessor on the day of Rising].[1] The Prophet ((God bless him and grant him peace)) said [If anyone makes hajj and visits my grave after my death, it is like he visited me while I was alive].[2]

3 - وإذا كانت الشريعة قد أمرت من يزور القبور أن يلتزم حدود الشرع في زيارته ، وأن يكون وقورا ذا سكينة خاشعا فإن ذلك أشد مطلبا عند زيارته ، وأن يكون وقورا ذا سكينة خاشعا فإن ذلك أشد مطلبا عند زيارة النبي صلوات الله وسلامه عليه .

3- Correct behaviour.

Indeed if the law has ordered one who visits a grave to adhere to the boundaries of the Sacred law during his visit, and to be serious, tranquil and fearful, then this is more required during the visit of the Prophet's tomb, in that one be more serious, tranquil and in a higher state of fear (from the punishment of Allah) for without doubt, this requirement is stronger when visiting the tomb of the Prophet ((God bless him and give him peace)).

4- ويسن لمن من الله عليه بنعمة التوفيق لأداء الحج والعمرة أن يذهب إلى مدينة الرسول طيبة ليزوره صلى الله عليه و على آله وصحبه وسلم ،

4- It is sunna for a person who Allah has bestowed His Blessing upon by assisting him to perform hajj and umrah, that he travel to the Madina of the Messenger to visit him [may the peace and blessings of Allah be upon him, his family and Companions].

فإذا صار أمام قبره الطاهر الشريف فليقف خاشعا ملتزما حدود الأدب مستمسكا بحبل الدين المتين ، وليسلم عليه فقد قال عليه السلام ((ما من أحد يسلم علي إلا رد الله علي روحي حتى أرد عليه السلام)) وليكثر من الصلاة عليه ، فقد ورد أنه لا يصلي عليه أحد من أمته مرة إلا سلم الله عليه عشرا.

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[1] Darqutani and Tabarani in al-Awsat.

[2] Darqutani, Tabarani, and al-Baihaqi.

When a person is standing in front of the pure and honoured tomb of the Messenger of Allah, he is to pause for a moment in obedience and fear, adhering to the boundaries of etiquette, taking hold of the rope of this firm religion and send salutations upon the Prophet in abundance as the Prophet ((God bless him and give him peace)) said [There is not a person that sends salutations upon me, except that Allah returns my spirit and I return the salam].[1] The Prophet ((God bless him and grant him peace)) also said [No one sends salutations upon me from my nation, except that Allah sends him ten salams] and for this reason, salutation is to be made in abundance.

نسأل الله العلي الكبير أن يمن علين بالتوفيق إلى حج بيته الحرام ، وإلى زيارة قبر نبيه عليه الصلاة والسلام، إنه ولي ذلك ، وإنه نعم المولى ، ونعم النصير . سبحان ربك رب العزة عما يصفون ، وسلام على المرسلين ، والحمد لله رب العالمين.

We ask Allah, the Most High and Great to give us the ability and aid needed to perform pilgrimage to His House 'al-Haram' and to visit the tomb of His blessed Prophet ((God bless him and grant him peace)), for verily it is only with the permission of Allah that one is able to perform this.

وقد تم- بحمد الله تعالى وتوفيقه !- كتاب ((هبة الفتاح)) الذي جعلناه ذيلا لكتاب ((سبيل الفلاح ، بشرح نور الإيضاح)) والله تعالى المسؤول أن ينفع به ، وأن يجعله مقبولا ، وأن يثيبنا عليه بفضله .

Indeed, with the assistance of God and all praise be to Him, the book '*Hibatul Fattah*' is finalised and arranged at the end of the book '*Sabil al-Falah*', which is the explanation of Nur al-Idah. We ask Allah to allow this to be a means of benefit and accept it and reward us with His mercy and generosity.

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[1] Ahmad, Abu Dawud, and al-Baihaqi with a sound chain.

Visiting the Tomb of the Prophet

The following is a translation from Maraky al-Falah, the explanation of Nur al-Idah, by Hasan Shurunbulali.[1]

Visiting the tomb of the Prophet is from the most superior of acts and the best of the recommendations, for indeed the Prophet prompted the visit and announced its recommendation of it. The Prophet ((God bless him and grant him peace)) said [He who finds time and did not visit me has turned away from me].[2] The Prophet also said [If anyone makes hajj and visits my grave after my death, it is as if he visited me while I was alive].[3]

It has become evident that many people are unaware about fulfilling the rights of visiting the Prophet, and unaware of the acts which are sunna and permissible. So we seek to mention some of the rituals, and how they are performed and the manner of decorum, in order to maximise the benefit of this book. It is required of one intending to visit Prophet Muhammad ((God bless him and grant him peace)) to increase the salutations upon him in abundance, because he hears that which one says. When one's eyes alight on the walls of Madina, one is to ask Allah to grant him benefit and acceptance from the visit.

It is recommended to bath prior to entering Madina or after entering, though prior to the visit if possible. One is to apply a sweat musk and wear his best clothes. When one enters, he should say, "*Bismillahi wa 'ala millati rasulillah, Rabbi adkhilni mudkhala sidqin wa akhrijni mukhraja sidqin waj'al li min ladunka sultanan Nasira.*" [In the name of Allah and on the religion of the Beloved Prophet, O my Sustainer! Cause me to enter in a manner true and sincere and grant me out of Your grace, sustaining strength].

One is to continue, "*Allahumma salli 'ala sayyidina Muhammadin wa 'ala aali sayyidina Muhammadin, kama sallayta 'ala sayyidina Ibrahima wa 'ala sayyidina Ibrahima, wa barik 'ala Muhammadin wa 'ala aali Muhammadin, kama barakta 'ala Ibrahima wa 'ala aali Ibrahima fil 'alamina innaka Hamidum Majid.*" [O Allah, have mercy on Muhammad and the family of Muhammad just as You have had mercy on Ibrahim and the family of Ibrahim. And send blessings on Muhammad and on the family of Muhammad just as You have sent blessing on Ibrahim and on the family of Ibrahim, indeed You are the Praiseworthy, the Glorious].

Following this, it is recommended to supplicate; "*Allahumma Iftahli abwab rahmatik warzuqni ziyarata Rasulika, sallallahu 'alayhi wa sallam, ma razaqta awliyaaka wa ahla ta'atika. Wagfir li, warhamni ya Khayra Mas'ul. Allahumma! Inni as'aluka khayra hadhihil baldati wa khayra ahliha wa khayra ma fiha, wa 'a'udhu min sharri ahliha wa sharri ma fiha.*" [O Allah, open the gates of Your mercy for me and provide me with a visit to Your Messenger, may the peace and blessings of Allah be upon

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[1] Maraky al-Falah 430-435.
[2] Al-Hafidh al-'Iraqi fi al-Mughni 'an Haml al-Asfar 1/259. [Maraky al-Falah 430].
[3] Darqutani in al-Sunan 2/278. Tabarani in al-Awsat.

him, as You have given it to Your friends and those who obey You. Forgive me and have mercy on me, O best of those who are asked! O Allah, I ask You for the good of this land and the good of its people and the good of what is in it. I seek refuge with You from its evil, the evil of its people and the evil of what is in it].

One should be humble, submissive and considerate. It is the land that God chose as the abode of the *hijra* of His Prophet ((God bless him and grant him peace)), and the place where revelation came down and the source of the rulings of the Sacred law. One is then to enter the mosque and pray two rak'ahs at the *minbar*, standing where the pillar of the *minbar* is near the right shoulder. And what is between the Prophet's tomb and the *minbar* is a garden from the gardens of Paradise, as the Prophet mentioned ((God bless him and grant him peace)).[1] The Prophet said [What is between my house and the *minbar* is one of the gardens of the Paradise]. This is referred to as *Rawdat al-Janna*. One is to prostrate out of gratitude to God by performing two rak'ahs in it other than the two rak'ahs one performs upon entering the *mosque*. This is offered out of gratitude to what God has allowed and assisted one in doing by granting the favour of reaching the sacred place, after which one may supplicate what he likes.

One then goes to the noble grave and is to stand four arms length away from it (approx two meters), adopting the required etiquette and face its wall – with his back to the qibla, standing close to the head of the Prophet and his honourable face, aware that the Prophet hears his words and that he (the Prophet) returns the salam and says amin to one's supplication. One should say, "*Assalamu 'alayka ya sayyidi ya rasulillah. Assalamu 'alayka ya Nabiyyallah. Assalamu 'alayka ya habib Allah. Assalamu 'alayka ya nabiyyar-Rahma. Assalamu 'alayka ya shafi'al Umma. Assalamu 'alayka ya sayyid al-Mursalin. Assalamu 'alayka ya khatim an-Nabiyyin. Assalamu 'alayka ya Muzzamil. Assalamu 'alayka ya Muddathir. Assalamu 'alayka wa 'ala ahl bait-ika at-tahirina alladhina adh-haba 'an hum ar-rijs wa tahara-hum tat-hira. Ash-hadu annaka rasulillah qad balaghtar-Risala wa addaytal-amanata, wa nasahtal-Ummata. Fa ja zakallahu 'anna afdal ma jaza Nabiyyin 'an Ummatihi.*" [Peace be upon you, O Master of the Messengers. Peace be upon you, O Prophet of Allah. Peace be upon you, O beloved of Allah. Peace be upon you, O seal of the Prophets. Peace be upon you, O Muzzamil (i.e. enwrapped). Peace be upon you, O Muddathir (i.e. enveloped). Peace be upon you and on your family, who are pure, and whom God has removed from them impurity and purified them. I bear witness that you are the Messenger of Allah. You conveyed the message and carried out the trust and you were faithful to the community. May Allah reward you for us with the best a Prophet can be rewarded from his community].

The visitor should add, [*Allahumma Innaka qulta* [*Wa la-w annahum idh dhalamu anfusahum ja-uuka fastaghfar Allaha wast-aghfara lahumur-Rasulu la wajadullaha tawwaban rahima*]. *Wa qad ataytuka ya rasulallahi mustashfi'an bika ila Rabbi. Fa as-aluka ya Rabbi an tujiba li al-maghfirata kama awjabtaha liman atahu fi hayatihi. Allahuma (I)j'alhu Awwala (a)Sh-Shafi'ina ya Arham ar-Rahimin.* [O Allah, You said [If

[1] Bukhari, Muslim.

they had only, when they were unjust to themselves, come unto you and asked Allah's forgiveness, and the Messenger had asked forgiveness for them, they would of found Allah indeed Oft-Returning, Most Merciful}.[1] I have come to you, Messenger of Allah, seeking your intercession with my Lord. I ask You, O Lord, to grant forgiveness for me as You granted it for the one who came to him when he was alive. O Allah, make him the first of the intercessors, O Most Merciful of the Merciful!].

Following this, one should supplicate for his parents and the Muslims, and convey the greeting from those who have told him to convey their greeting. One says, "*Assalamu 'alayka ya Rasulallahi min (mention the name).*" [Peace be upon you, O Messenger of Allah, from so and so]. Then again, one should send salutations on the Prophet and supplicates for whatever he likes turning with his back to the qibla.

One then turns about half a metre to the right until he is near the head of **Abu Bakr as-Siddiq** (God be pleased with him) and is to say, "*Assalamu 'alayka ya khalifata Rasulillahi, Assalamu 'alayka ya Sahiba Rasullilahi wa anisahu fil ghari wa aminahu fil asrari, jazakallahi 'an ummati Muhammadin khayr.*" [Peace be upon you, O Khalifa of the Messenger of Allah. Peace be upon you, O Companion of the Messenger of Allah and his comrade in the cave and the one entrusted with his secrets! May Allah reward you from the community of Muhammad, may the peace and blessings of Allah be upon him, with the best].

Then he turns another half metre to his right until he is standing near the head of *amir al-Mu'minin* – **Umar ibn al-Khattab** (God be pleased with him). One is to say, "*Assalamu 'alayka ya amir al-Mu'minin. Assalamu 'alayka ya nasir al-Muslimin. Assalamu 'alayka ya man a'azzallahu bihil Islam. Jazakallah 'an ummati Muhammadin sallallahu 'alayhi wa sallama khayra.*" [Peace be upon you, Amir al-Mu'minin. Peace be upon you, Helper of the Muslims. Peace be upon you, O you by whom Allah made Islam mighty. May Allah repay you for the community of Muhammad, may the peace and blessings of Allah be upon him, with the best].

After this, one is move back half a metre and say, "*Assalamu 'alaykuma ya daji'i rasulillah, wa rafiqihi, wa wazirihi, wa mashirihi, wa ma'anina lahu 'alal qiyam biddin, jazakumallahu ahsanal jaza'.* [Peace be upon you all, to the friends in burial of the Messenger of Allah and his associates, and his advisors and his helpers in implementing the religion, may Allah reward you with the best reward]. One is then to stand near the head of the Prophet ((God bless him and grant him peace)) as he did the first time and say, "*Wa la-w annahum idh dhalamu anfusahum ja-uuka fastaghfar Allaha wast-aghfara lahumur-Rasulu la wajadullaha tawwaban rahima.*"[2] [If they had only, when they were unjust to themselves, come unto you and asked Allah's forgiveness, and the Messenger had asked forgiveness for them, they would of found Allah indeed Oft-Returning, Most Merciful]. It is recommended that one add, "We have come to you listening to your saying, adhering to your

[1] An-Nisa 64.

[2] An-Nisa 64.

command, seeking your intercession. O God, forgive us, and our fathers and mothers and our believing brothers who have passed before us." One may increase as he likes of the supplication, voluntary prayer and repent to Allah asking for what he wants. It is recommended to come to the *Rawda* and pray what one desires and supplicate what he likes and make *tasbih* in abundance as well as *tahlil* (i.e. to say: there is no deity but Allah) and *istighfar*. Thereafter, one is to come to the *minbar* and place his hand on the pommel where the Prophet would place his hand during the sermon, in order to acquire the blessing.

It is recommended to go out to **al-Baqi'** and visit the graves. A'ishah said [The Messenger of God used to go out at the end of the night to al-Baqi and say, "Peace be upon you, abode of a believing people. What you were promised will come to you tomorrow as decreed. Allah willing, we will join you. O Allah, forgive the people of Baqi al-Gharqad].[1] Among the known graves are Ibrahim, the son of the Prophet, Uthman ibn Affan, al-Abbas, al-Hasan ibn Ali and others, and he should finish by visiting the grave of Safiyya, the paternal aunt of the Messenger of God. It is recommended to go to Uhud early on Thursday and visit its martyrs beginning with Hamza (may God be pleased with him), the uncle of the Prophet and leader of the martyrs. It is recommended to recite the verse *al-Kursi*, surah *al-Ikhlas* eleven times and surah *Ya-sin*, and donate the rewards to all the martyrs.

It is recommended to visit the **Mosque of Quba'** on Saturday and pray in it. Ibn Umar said [The Prophet used to visit the mosque of Quba' every Saturday riding or walking and prayed two rak'ahs in it].[2] It is also recommended to visit other mosques, such as the Mosque of al-Fat'h, the Jumu'a Mosque, the Mosque of al-Fadikh and the Mosque of al-Ahzab, the confederates.

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All praise is due to Allah, the one who enlightened the hearts and minds and permitted such a task. I ask Allah Most High to make this a means by which others may learn their religion and a means of attaining nearness to Him. May Allah accept this effort and accept us, guide us, teach us what is beneficial and unite the nation of Muhammad (God bless him and grant him peace). This task began on the 01/02/2006 and was finalised on the 10/11/2007.

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[1] Muslim.

[2] Bukhari and Muslim.

GLOSSARY

Adhan - the call to prayer

Amin - amin

Amir - lit. one who commands, the source of authority in any situation

Amir al-Muminin - the Commander of the Believers, a title of respect given to the Caliph

Ansar - the helpers, the people of Madina, who welcomed and aided the Messenger of Allah (may Allah bless him and grant him peace).

Arafah - a plain 24 km to the east of Makkah which stands the Mountain of Mercy, where it is said that Adam was re-united with Hawwa (Eve) after years of wandering after being expelled from the Garden Of Eden. One of the rites of the hajj is to stand on Arafah on the 9th Dhul al Hijjah.

Ashura - the 10th day of Muharram. It is considered a highly desirable day to fast.

'Asr - is the afternoon prayer

'Awrah - the parts of the body that must be covered.

Awsuq - plural of wasaq. One wasaq is equal to sixty *sa'*

Ayah - a verse of the Quran

Badr - a place where the first battle of the newly established Muslim community fought. The outnumbered 300 Muslims led by the Messenger of Allah (May Allah bless him and grant him peace) overwhelmed and defeated 1000 Makkan idol worshippers.

Bani Isra'il - the tribe of Israel

Al-Baqi - the cemetery of the people of Madina

Bait al-mal - the public treasury

Dhikr - remembrance

Dhul al-Hijjah - the twelfth month of the Islamic calendar, the month of hajj

Dirham - silver coinage. One dirham is approx 3.08 grams of silver

Eid - a festival.

Eid al-Adha - a four day festival at the time of hajj. The Eid of sacrifice starts on the 10th of Dhul al Hijjah, the day the pilgrims sacrifice their animals.

Eid al– Fitr - the festival at the end of the fasting month of Ramadan

Fard - obligatory

Fasiq - disobedient, one who does not comply fully with the dictates of the Law.

Fatwa - is the plural of fatawa. Legal rulings issued by a jurist.

Faqih - an expert in fiqh [jurisprudence]. A jurist who has the ability to derive the law from the texts of the Quran and Sunna.

Fidya - compensation paid for rites missed or wrongfully performed because of ignorance or ill- health

Fiqh - science of application of the Shari 'a

Fitnah - evil; trial; disruption; insurrection.

Fitrah - the first nature, the natural [natural disposition].

Ghusl - the full ritual washing of the body.

Hadath - is when a person is legally regarded as being in the state of minor impurity as distinguished from mere physical impurity.

Hadith - reported speech, particularly of the Prophet Muhammad (may Allah bless him and grant him peace)

Hadith qudsi - those words of Allah that was narrated by the Prophet (may Allah bless him and grant him peace).

Hadd - fixed penalties.

Hady - an animal offered as a sacrifice during the hajj

Hajj - the greater pilgrimage

Hajj al-Ifrad - hajj 'by itself' without umrah.

Hajj al–Qiran - the joined hajj combining both hajj and umrah

Hajj al-Tamattu' - the 'interrupted hajj,' that is performing hajj at separate intervals

Halal - permitted by the Shari'a

Haram - forbidden by the Shari'a. Also a protected area around the ka'bah and around the Prophet's Masjid where certain behaviour is forbidden and other behaviour is necessary.

Hayd - menstruation

Hijaz - the region of Arabia in which Makkah, Medina, Jeddah and Ta'if are situated

Hijra - to emigrate in the way of Allah. Islam takes its dating from the hijra of the Holy Prophet (may Allah bless him and grant him peace) to Medina.

Hiqqah - a she-camel that has entered its fourth year.

'Ibada - worship

Ihram - a condition adopted on a person during hajj or umrah.

Imam - Muslim ruler; the person leading the prayers.

Iqama - the call which announces that the obligatory prayer is about to begin.

Iqtida - following another in prayer.

Irtithath - availing some faculties before death after being wounded in battle. It includes eating, drinking, sleeping, and taking medicines or being transferred alive from the battlefield.

Isnad - the chain of transmission of a tradition.

I'takaf – religious retreat (seclusion)

Izar - a piece of cloth used as a waist wrapper by both men and women

Jamrah - a stone built pillar. Three are located in Mina and one of the rites of hajj is to stone them.

Jamrah al Aqabah - one of the three Jamrahs located at Mina. It is situated at the entrance of Mina in the direction of Makkah

Janaba - the state of major impurity on which a person requires the major bath. This covers the condition resulting from ejaculation while asleep or awake, with or without sexual intercourse and sexual intercourse with or without ejaculation.

Mimbar - steps on which the imam stands to deliver the sermon on the day of Jumu'a

Mina - a valley 8 km on the road to Arafah where the three Jamrahs are located.

Mìqat - one of the designated places for entering into ihram

Maharram - the first month of the Islamic year, which is based on the lunar calendar

Muhrim - pilgrim, a person in ihram

Mus'haf - the Quran in two covers

Mushrik - someone who attributes partners to Allah

Muzdalifa - a place between Arafah and Mina where the pilgrims returning from Arafah spend a night

Nafl - a voluntary act

Najis - filth, impurity

Nisab - a minimum amount of wealth that zakat can be deducted from

Postnatal bleeding - The blood that is discharged after a woman gives birth

Prostration - when one places his knees, hands and forehead on the ground

Qibla - the direction of prayer, that is the holy ka'bah

Qunut - supplication made while standing in the witr prayer

Quraysh - one of the great tribes of Arabia. The Messenger of Allah (may Allah bless him and grant him peace) belonged to this tribe

Rak'ah - a unit of prayer, a complete series of standings, bowings, prostrations and sittings

Ramadan - the month of fasting, the ninth month of the Muslim calendar

Ruku - the bowing posture in prayer

Sadaqah - giving in the way of Allah, especially wealth

Safa and Marwah - two hills close to the ka'bah. It is part of hajj and umrah to go seven times between each hill

Sahur - the pre-dawn meal

Sajda - the act of making prostration

Salat - prayer

Sa'iy - going between Safa and Marwah seven times

Sha'ban - the eighth month of the Islamic calendar

Shahada - the affirmation that *'there is no deity but Allah and Muhammad is the Messenger of Allah'*

Shahid - a martyr

Shari'a – is the Sacred Law based on the Quran and the traditions of the Holy Prophet (may the peace and blessing of Allah be upon him)

Siwak - a tooth stick used for brushing usually from the 'Araq tree

Sujud - the position of prostration

Sunna - the practice of the Messenger of Allah (may the peace and blessing of Allah be upon him)

Sultan - ruler

Sutrah - an object placed in front

Tahajjud - voluntary prayer at night, between the 'Isha and the Fajr prayers

Takbir - the saying of 'Allahu Akbar' (Allah is Great).

Talbiyah - the calling of 'labbayk'

Tarawih - extra night prayers, usually done in congregation in the month of Ramadan.

Tashahhud - lit. to make shahada. It is said in the final sitting position of each two rak'ah cycle

Tawaf - circling the ka'bah, tawaf is done in sets of seven circuits

Tayammum - Dry ablution with sand or clean earth

Umrah - the lesser pilgrimage. It can be performed any time of the year.

Wajib - see wajib in the definitions of the opening chapter.

Wali - guardian granted authority by the law.

Witr - the odd prayer

Wudu - ablution, minor ablution

Zakat - poor due

Zakat al-Fitr - charity, required per head. This is paid on the day of Eid al-Fitr.